

Orientation Guide for Louisiana House Members

2004 - 2008 Term



The Louisiana House of Representatives

November, 2003



Louisiana House of Representatives

To: All Members of the House of Representatives

As the members of the House of Representatives prepare to embark on a new term of office, the *Orientation Guide for Louisiana House Members: 2004 -2008 Term* is designed as a practical tool for each House Member. With the advent of term limits, the House staff understands the urgency for all members, and in particular the new members, to quickly and fully understand the intricacies of the legislative process. Accordingly, this *Guide* is focused on new House members, introducing the legislature as an institution and the responsibilities of each member of the institution. However, it is also intended to be a resource and guide for returning members, and for staff as well.

This new edition of the *Guide* discusses recent changes in House procedure as it reviews the essentials of the legislative process. It describes the staff services and information sources available to House members, including new technology that gives the public easier and greater access to the legislative process and provides new sources of information to aid House members in their roles as lawmakers and as problem solvers for their constituents.

The *Guide* was prepared by the House Legislative Services staff, a professional team of analysts, attorneys, economist, demographic specialist, librarians, and support staff and by members of the general House staff, all of whom are dedicated to providing the House of Representatives and its members with the highest quality services. It is to this talented staff that we express our appreciation.

Most of all, we hope that this *Guide* demonstrates the many ways in which the entire staff of the House can ably assist each of you – and how much we want to do so.

Whatever it is that we can do to help you, don't hesitate to call.

Mary Quaid

Executive Director
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Alfred W. "Butch" Speer

Clerk of the House

TABLE OF CONTENTS

The Legislature – The Institution	A-1
Overview	A-1
The Legislature – Powers, Composition, Sessions	A-3
Legislative Staff	A-7
Committees with Certain Administrative Functions	A-11
 The Legislator as Representative	 B-1
Overview	B-1
Services to Constituents	B-3
 The Legislator and the Code of Governmental Ethics	 C-1
The Legislator and Campaign Finance Laws	C-7
The Legislator and Lobbyist Regulation	C-13
Representatives' Emoluments	C-17
 The Legislator as Lawmaker – The Interim	 D-1
Overview	D-1
The Committee System – The Interim Between Sessions	D-3
Interim Organization and Functions	D-7
The Individual Legislator - The Interim	D-9
How Staff Assists Committees and Members During the Interim	D-15
How a Request Becomes a Bill	D-21
 The Legislator as Lawmaker – The Session	 E-1
Overview	E-1
Annual Regular Legislative Sessions - Key Constitutional Provisions	E-2
Legislative Instruments and Documents	E-3
Legislative Procedure – The Committee	E-7
Legislative Procedure – The Floor	E-15
Broadcast of Legislative Proceedings	E-19
Staff Services to Assist the Legislator During Session	E-21
Other Legislative Staff in the Legislative Process	E-25
How a Bill Becomes a Law	E-29
 The Legislator as Controller of the Purse Strings	 F-1
Overview	F-1
Resources to Assist the Legislator – Fiscal Matters	F-3
Revenue and Bonded Indebtedness	F-7
The Budget Process	F-11
The Capital Outlay Process	F-17

Information Resources	G-1
Information Resources for House Members	G-3
Telephone Numbers by Legislative Office	G-3
Telephone Numbers by Type of Information	G-6
Information Available on the Internet	G-9
Legislative Home Pages	G-9
Louisiana Legislative Websites	G-9
InfoLouisiana	G-11
Legal Resources	G-11
Additional Useful Websites	G-12
Publications	G-15
House of Representatives	G-15
Other Legislative	G-16
From Other Sources	G-17
Frequently Asked Questions	G-19
General Legislative	G-19
Fiscal	G-23
State Government	G-24
Information Resources for Constituents	G-27
Glossary	H-1
Legislative Terms: Definitions	H-1
Abbreviations Commonly Used	H-15
Index	I-1

THE LEGISLATURE – THE INSTITUTION

Basic Legislative Structure and Functions

Overview	A-1
THE LEGISLATURE – POWERS, COMPOSITION, SESSIONS	A-3
Legislative Powers	A-3
Continuous Body	A-3
Composition	A-3
Terms and Vacancies	A-4
Officers	A-4
Sessions of the Legislature	A-4
Privileges and Immunities	A-5
Conflict of Interest	A-5
Quorum, Attendance, Journal, and Adjournment	A-5
LEGISLATIVE STAFF	A-7
<i>Legislative Staffing Agencies and Their Functions</i>	
House Legislative Services	A-7
Speaker’s Office	A-8
House Clerk’s Office	A-9
Sergeant at Arms	A-9
Other House Offices	A-9
Legislative Fiscal Office	A-9
Legislative Auditor’s Office	A-10
Louisiana State Law Institute	A-10
COMMITTEES WITH CERTAIN ADMINISTRATIVE FUNCTIONS	A-11
<i>Committees that Help Administer the Legislature</i>	
Legislative Budgetary Control Council	A-11
House Executive Committee	A-11
House Legislative Services Council	A-11
Legislative Audit Advisory Council	A-12
Joint Legislative Committee on the Budget	A-12

THE LEGISLATURE – THE INSTITUTION

Basic Legislative Structure and Functions

OVERVIEW

The legislature is one of the three branches of state government. It is the policymaking branch and makes policy by enacting laws, but it also oversees the implementation of laws and conducts studies necessary to enact laws. Its structure and powers are established primarily by Article III of the Constitution of Louisiana. The constitution also gives the governor certain powers related to lawmaking, such as submission of the executive budget and veto of bills.

The legislature is a continuous body. It is comprised of the House of Representatives and the Senate. The constitution provides for the number of members and their terms of office, for legislative rules, and for legislative officers.

Legislative sessions are also governed by the constitution. These include the regular sessions, with general regular sessions in even-numbered years and restricted regular sessions in odd-numbered years, extraordinary or special sessions, and organizational sessions (which occur after election when members take office every four years).

Legislative staff agencies serving the House include House Legislative Services, which provides research, bill drafting, committee staffing, library services, and administrative services for the House; the staff of the Speaker's Office, which includes not only his personal staff, but also the House Accounting Office, the House Public Information Office, the House Human Resources Office, and Property Control and Purchasing; the House Clerk's Office which processes legislation, maintains official legislative records, schedules and gives notice of House committee meetings, provides audio-visual operations, operates the House website and switchboard, and provides other House services; the Sergeant at Arms, whose office provides security, transportation, and emergency medical services; and other House offices such as the Speaker Pro Tempore's office and caucus offices which assist the members with various services, but particularly with aiding constituents, acting as liaison with other government offices.

The Legislative Fiscal Office provides budget research and fiscal notes to the House and the Senate. The Legislative Auditor and his staff also serve both houses. In addition to the office's post audit function, it prepares actuarial notes for retirement bills and certain fiscal notes, performs program evaluations, and reviews performance measures for program budgets of agencies.

The Louisiana State Law Institute is the official revisor of statutes for

the state and conducts scholarly legal research.

Certain committees have administrative responsibilities. The Legislative Budgetary Control Council, created by statute, governs the administration and expenditure of the funds of both houses and of legislative agencies. It reviews budget requests and must approve them for inclusion in the legislative appropriation bill. It also regulates other fiscal matters for the legislature.

The House Executive Committee advises the House Speaker on various matters concerning operation of the House and also establishes the annual vouchered allotment for House members to be used for expenses of office.

The House Legislative Services Council is the governing committee of House Legislative Services.

The Legislative Audit Advisory Council has certain duties relative to the Legislative Auditor and his staff.

The Joint Legislative Committee on the Budget has certain administrative authority relative to the Legislative Fiscal Office.

THE LEGISLATURE – POWERS, COMPOSITION, SESSIONS

A Summary of Major Constitutional Provisions Governing the Legislature

LEGISLATIVE POWERS

The Louisiana Constitution establishes the legislative branch as one of the three coordinate branches of state government. Article III, Section 1(A) vests the legislative power of the state in the legislature, consisting of the Senate and the House of Representatives. The legislature is responsible for determining general policy for the state and for state residents through the enactment of laws. The power to enact laws is subject to the substantive and procedural limitations of the federal and state constitutions. Oversight of the actions of the executive branch in administering state programs is also vested in the legislature. This power, closely related to the power to make laws, is exercised in order to assure that legislative policy and intent are carried out. Review of administrative rules of executive branch agencies by legislative oversight committees is an important exercise of this authority. The legislature and its committees also have the power to gather information and make such investigations as may be needed to enact laws.

Although the executive branch of state government is responsible for the implementation of the constitution and laws, the governor, as the chief executive officer of the state, exercises certain legislative powers. The constitution (*Const. Art. IV, §5(B)*) directs the governor, at the beginning of each regular session and at other times, to make reports and recommendations and to give information to the legislature concerning the affairs of state, including the complete financial condition of the state. Constitution Article IV, Section 5(D) requires the governor to submit to the legislature an operating budget and a capital budget for each fiscal year. The governor is authorized to call the legislature into special session. Additionally, he may veto any bill or any item in an appropriation bill, though the legislature may override a veto by a vote of two-thirds of the elected membership of each house.

CONTINUOUS BODY

The constitution (*Const. Art. III, §1(B)*) makes the legislature a continuous body during the time for which its members are elected; however, a bill or resolution not finally passed in any session is withdrawn from the files of the legislature. The continuation of authority permits standing committees of the legislature to meet during the interim between sessions.

COMPOSITION

Article III, Section 3 of the constitution specifies that the number of members of the legislature shall be provided by law, but establishes the maximum number of senators at 39 and the maximum number of members of the House of Representatives at 105. Representation in both houses of the legislature is based on population in accordance with state constitutional mandate (*Const. Art. III, §6*) and U.S. Supreme Court

decisions. The constitution provides for single-member districts exclusively. The legislature is required to reapportion the representation in each house by the end of the year following the year in which the state's population is reported to the president of the United States for each decennial federal census, on the basis of total population shown by such census. The legislature will be required to reapportion itself before December 31, 2011.

TERMS AND VACANCIES

Legislators are elected for four-year terms and take office on the same day as the governor and other statewide elected officials. The next term of the legislature begins on January 12, 2004, at 10:00 a.m. A constitutional amendment adopted by the voters in October of 1995 limits the number of consecutive terms a person may serve in each house of the legislature. The limitation provides that anyone who has served more than two and one-half terms in three consecutive terms may not be elected to the succeeding term in the same house. The limitation applies to service during a term of office that began on or after January 8, 1996 (*Const. Art. III, §4(E)*).

A vacancy in the legislature can be filled only by the electors of the district in which the vacancy occurred for the remainder of the term during which the vacancy occurred (*Const. Art. III, §4(D)*).

OFFICERS

The officers of each house of the legislature are elected at the beginning of each term to serve for four-year terms. The House of Representatives elects from among its members a Speaker and Speaker Pro Tempore. It also elects its chief clerical officer, the Clerk of the House, who is not a member. The Senate elects its presiding officer, the President of the Senate, from its membership and also elects a President Pro Tempore from its membership. It also selects its chief clerical officer, the Secretary of the Senate, who is not a member. Rules of each house provide for the election of these officers (*Const. Art. III, §7(C)*).

SESSIONS OF THE LEGISLATURE

Legislative sessions are governed by the provisions of Article III, Section 2 of the constitution.

Every four years, at 10:00 a.m. on the day members take office, an **organizational session** is convened, primarily for judging members' qualifications and elections, taking the oath of office, organizing the two houses, and selecting officers. The session is limited to three legislative days; no matter intended to have the effect of law may be introduced.

Regular sessions in even-numbered years convene at noon on the last Monday in March. The legislature may meet for not more than 60 legislative days (a calendar day on which either house is in session) during a period of 85 calendar days. These sessions are *general* in nature, but no measure levying or authorizing a new tax or increasing an existing tax by the state or a statewide political subdivision, or dealing

with tax exemptions, exclusions, deductions or credits, may be introduced or enacted.

Regular sessions in odd-numbered years convene at noon on the last Monday in April. The legislature may meet for not more than 45 legislative days during a period of 60 calendar days. These sessions are *restricted* to consideration of legislation whose object is to enact the general appropriation bill or other appropriations; enact the capital budget; levy a new tax or increase an existing tax; authorize, increase, decrease, or repeal a fee; dedicate revenue; legislate with regard to tax exemptions, exclusions, deductions, reductions, repeals, or credits; or legislate with regard to issuance of bonds. (See the chart, *Annual Regular Legislative Sessions – Key Constitutional Provisions*, on page E-2.)

Extraordinary sessions may be convened by the governor at other times and must be convened by the presiding officers of both houses upon petition of a majority of the members of each house. An extraordinary session may not exceed 30 calendar days, and the power to legislate is limited to the objects specified in the proclamation or call for the session issued by the governor or the presiding officers, as the case may be.

PRIVILEGES AND IMMUNITIES

A member of the legislature is privileged from arrest, except for felony, during his attendance at sessions and committee meetings of his house and while going to and from them. No member may be questioned elsewhere for any speech in either house (*Const. Art. III, §8*).

CONFLICT OF INTEREST

Article III, Section 9 of the constitution provides that legislative office is a public trust, and every effort to realize personal gain through official conduct is a violation of that trust. It requires the legislature to enact a code of ethics for members of the legislature. (See also *Const. Art. X, §21*, and *R.S. 42:1101 et seq.* regarding a code of ethics for all public officials and employees.)

QUORUM, ATTENDANCE, JOURNAL, AND ADJOURNMENT

The constitution provides that a majority of each house (53 members of the House of Representatives and 20 members of the Senate) is required to form a quorum to transact business. A smaller number may adjourn from day to day and may compel attendance of absent members. Each house is required to keep a journal of its proceedings and have it published immediately after the close of each session. The *Journal* of each house is required to accurately reflect the proceedings, including all record votes. When the legislature is in session, neither house is allowed to adjourn for more than three days or to another place without the consent of the other house.

LEGISLATIVE STAFF

Legislative Staffing Agencies and Their Functions

The House has a full-time permanent staff, which includes House Legislative Services, the office of the Clerk, the House Sergeant at Arms, and the office of the Speaker. The House Public Information Office, the House Office of Human Resources, and House Accounting, as well as property control and purchasing, are staff units within the Speaker's Office. There are various other agencies which serve both the House and the Senate. Relevant staff resources and services are discussed in each of the other major sections of this guide. (See particularly *Information Resources* beginning on page G-1.

HOUSE LEGISLATIVE SERVICES

The nonpartisan House Legislative Services (HLS) staff serves all house members and committees and reports to the House Legislative Services Council (composed of the Speaker, Speaker Pro Tempore, nine members appointed by the Speaker (one from each congressional district and two at large), and the House Clerk). The council employs an executive director to supervise and direct the functions of HLS. The HLS staff drafts legislation and the accompanying digests of legislation, provides research services, staffs committees, prepares floor and committee amendments to legislation, conducts studies and briefings, provides fiscal reports and analyses, and prepares highlights and summaries of the session. It also provides library reference services and handles much of the publication, copying, record keeping, and other administrative work of the House.

HLS Research Divisions ~ Committees	
<i>Division</i>	<i>Committees</i>
Governmental Affairs	House & Governmental Affairs; Education; Retirement; Municipal, Parochial & Cultural Affairs
Commercial Regulation	Commerce; Health & Welfare; Insurance; Labor & Industrial Relations
Legal	Civil Law; Judiciary; Administration of Criminal Justice
Fiscal	Appropriations; Ways & Means
Resource & Infrastructure	Natural Resources; Agriculture, Forestry, Aquaculture & Rural Development; Environment; Transportation, Highways & Public Works

HLS is organized into five **research divisions**: Governmental Affairs, Commercial Regulation, Legal, Fiscal, and Resource and Infrastructure, as well as Administrative Services and the David R. Poynter Legislative Research Library. Legislative analysts and attorneys in each research division staff the committees within the division and draft legislation and provide research and analysis concerning the subject matter of the committees within the division for any member of the House and for the division's committees. Each division is supervised by a division director who is responsible for the assignment of workload within that division and reviews much of the work of the division staff. Committees within each of the five divisions are shown in the graphic on page A-7.

Administrative Services provides clerical assistance for the massive amount of typing, proofreading, printing, and other clerical work necessary for the operation of the House. House Docket maintains files of all bills and adopted amendments from current and past legislative sessions. Administrative Services is responsible for engrossing and enrolling all House bills, resolutions, and other legislative instruments.

House Legislative Services maintains the **David R. Poynter Legislative Research Library**, a professional research library which provides reference services to legislators and staff of both the House and Senate and to other legislative offices. It maintains files on legislative issues, a comprehensive collection of legislative research reports, directories, and an extensive periodical and newspaper collection related to legislative issues and matters of public interest. The library operates the PULS line, a toll-free telephone line, to advise the public on the status of any legislative instrument. The library also staffs special information lines to respond to questions of House members which are available only to House members and their staffs.

SPEAKER'S OFFICE

The Speaker has a small staff to assist him in his duties as presiding officer. Also under the direct supervision of the Speaker are:

- g **The House Accounting Office**, which is responsible for accounting functions, compensation of members and staff, including legislative assistants, payments and reimbursements for district office expenses, and related functions.
- g **The House Public Information Office**, which is responsible for assisting House members and staff with public information and media relations.
- g **The House Human Resources Office**, established to centralize all human resource and personnel functions of the House, is responsible for staffing of the organization, including employee

recruitment and selection, as well as orientation of new employees, employee training and development, compensation, incentives and benefits administration, development of personnel policies and procedures, record keeping, and ensuring adherence to all state and federal laws and rules and regulations governing personnel and labor issues.

- g **Property Control and Purchasing**, which are responsible for the acquisition of furniture, equipment, and telephones and for inventory of house property.

HOUSE CLERK'S OFFICE

The Clerk of the House is the constitutional clerical officer of the House of Representatives, the parliamentarian, and the custodian of all records of the House. The House Clerk's Office is staffed to assist the Clerk in processing legislation, receiving reports of standing committees, maintaining and publishing a journal of proceedings, and publishing the Legislative and House Calendars. This office handles matters relative to the scheduling of committee meetings throughout the year and providing notice of such meetings. The Clerk's office provides audio-visual services for the House, maintains the House website on the Internet, and operates the House switchboard. The Clerk is also responsible for processing House members' interim emergency appropriation ballots as well as all other ballots for interim votes and for promulgating and receiving House members' public income disclosure reports and forwarding them to the Board of Ethics.

SERGEANT AT ARMS

The Sergeant at Arms is an officer of the House appointed by the Speaker. The Sergeant at Arms' office handles security and transportation matters for the House and also includes staff trained to handle medical emergencies in the Capitol.

OTHER HOUSE OFFICES

Other staff are available to assist House members in the Speaker Pro Tempore's Office and in the various caucus and delegation offices, such as the Acadiana Delegation, Black Caucus, Independent Caucus, Jefferson Delegation, Orleans Delegation, Republican Delegation, Rural Caucus, and Women's Caucus. These offices help members in a variety of ways, but particularly with constituent services and with obtaining information and assistance from state, local, and federal offices.

LEGISLATIVE FISCAL OFFICE

The Legislative Fiscal Office was established to provide the legislative branch with its own independent fiscal staff to advise both houses of the legislature on all financial matters. The Legislative Fiscal Officer, elected by the majority vote of the members of both the House and Senate, administers and directs the work of the fiscal office. The primary responsibilities of the fiscal office include: review and analysis of the proposed Executive Budget; program review; preparation of fiscal notes and review of legislation with projections of costs and revenues associated with the proposed laws; long and short-range

revenue projections; and review of performance-based budgeting in the executive branch.

**LEGISLATIVE
AUDITOR'S OFFICE**

The Legislative Auditor's office is a constitutionally created office (*Const. Art. III, §11*). The Legislative Auditor serves as fiscal advisor to the legislature and performs duties related to auditing and fiscal records of the state, its agencies, and political subdivisions. The auditor prepares a written statement annually on the financial condition of the state treasury. He also prepares actuarial notes for legislation affecting public retirement systems and certain fiscal notes. His office prepares performance audits and reviews the performance data used by state agencies and departments for performance budgeting. The auditor is elected by a majority of the elected members of each house. (See *Legislative Audit Advisory Council* beginning on page A-12.)

**LOUISIANA STATE
LAW INSTITUTE**

The Louisiana State Law Institute is an official advisory law revision, law reform, and legal research agency of the state, composed of attorneys, judges, and law professors. The law institute was created to promote and encourage the clarification and simplification of state law and its better adaptation to present social needs, to secure the better administration of justice, and to conduct scholarly legal research. After each legislative session, the law institute prepares the printer's copy of the official text of the enacted laws for incorporation into the Louisiana Revised Statutes and other codes.

COMMITTEES WITH CERTAIN ADMINISTRATIVE FUNCTIONS

Committees that Help Administer the Legislature

There are several legislative committees that play a role in administration of the legislature, the House, and legislative or House staff. These include the Legislative Budgetary Control Council, the House Executive Committee, the House Legislative Services Council, the Legislative Audit Advisory Council, and the Joint Legislative Committee on the Budget.

LEGISLATIVE BUDGETARY CONTROL COUNCIL

The Legislative Budgetary Control Council establishes rules to govern the administration and expenditure of all legislative branch funds. The council reviews budgetary requests for the two houses and all legislative agencies and must approve them before they are included in the legislative appropriation bill. It sets requirements for financial statements and accounting systems and for deposits and transfers of funds. Contract approval, travel expenses, and compensation for overtime work are also within its purview. Legislative facilities management is another council responsibility. The council is composed of the Senate President and President Pro Tempore; the House Speaker and Speaker Pro Tempore; the chairmen of the Senate Finance Committee, House Appropriations Committee, Senate and Governmental Affairs Committee, and the House and Governmental Affairs Committee; one member of each of the House and Governmental Affairs Committee and one member of the Senate and Governmental Affairs Committee appointed by the respective chairman, and ex officio but nonvoting, the House Clerk and Senate Secretary.

HOUSE EXECUTIVE COMMITTEE

The House Executive Committee is created by House Rule (*House Rule 6.26*) to make recommendations to the Speaker, other House officers, and the Committee on House and Governmental Affairs concerning internal House matters, such as space and facilities, officers and employees, rules, administration, and budgetary and financial questions. The committee also has authority to establish an annual vouchered allotment for House members, to be drawn monthly, for expenses as a House member, such as office rent, utilities, communications, supplies, and travel. The committee has 19 members, including the Speaker and the Speaker Pro Tempore and 17 members appointed by the Speaker with at least one from each congressional district.

HOUSE LEGISLATIVE SERVICES COUNCIL

(See *House Legislative Services*, beginning on page A-7.)

**LEGISLATIVE AUDIT
ADVISORY COUNCIL**

The Legislative Audit Advisory Council advises and consults with the auditor concerning his functions, duties, and responsibilities. It makes recommendations to the auditor and to the legislature. It sets the salary of the auditor and of the legislative actuary. The council reviews, may change, and must approve the budget of the office of the Legislative Auditor prior to submission to the legislature for funding. It has authority to subpoena witnesses, books, and records; to compel testimony; and to punish for contempt of the council. The council has other substantive duties related to the functions of the Legislative Auditor. The auditor must report to the council remedial action taken when an audit indicates irregularities and district attorneys must report to the council remedial action when an audit indicates fraud or illegalities. The council has 10 members, including five House members appointed by the House Speaker and five Senators appointed by the Senate President. (See *Legislative Auditor's Office* on page A-10.)

**JOINT LEGISLATIVE
COMMITTEE ON THE
BUDGET**

The Joint Legislative Committee on the Budget has certain administrative authority with respect to the legislative fiscal office. The committee establishes the salary of the legislative fiscal officer and fills any vacancy in the office which occurs when the legislature is not in session on a temporary basis until the vacancy is filled by the legislature. The legislative fiscal officer's administrative control over the operations and functions of the office are subject to the policies and directives of the legislature and of the Joint Legislative Committee on the Budget. The legislative fiscal officer appoints and removes all employees of the legislative fiscal office and fixes all salaries upon the recommendation of the Joint Legislative Committee on the Budget. The Joint Legislative Committee on the Budget is the governing council of the legislative fiscal office for the purposes of rules and regulations adopted by the legislature to govern expenditure of legislative funds and related matters.

THE LEGISLATOR AS REPRESENTATIVE

Factors Affecting How A House Member Serves in Public Office

Overview	B-1
Concerns of the Individual Representative	B-1
Resources Available to Assist the Member	B-1
SERVICES TO CONSTITUENTS	B-3
<i>Some Ways a Representative May Assist Constituents</i>	
District Office	B-3
Caseworker	B-3
Student Financial Assistance	B-3
Information About Legislation	B-4
Keeping in Touch with Constituents	B-4
Tours of the State Capitol	B-4
Assisting Local Government	B-5

THE LEGISLATOR AS REPRESENTATIVE

Factors Affecting How A House Member Serves in Public Office

OVERVIEW

The legislator has a number of roles – as representative, as lawmaker, and as controller of the purse strings. Though the member serves as representative in all of these roles, the member has a direct role as representative in serving the district. This section of the *Orientation Guide* covers matters of interest to the individual legislator.

CONCERNS OF THE INDIVIDUAL REPRESENTATIVE

As an individual representative, the House member has a number of concerns. Areas of particular importance, all of which are explained more fully in the following pages, are:

g Constituent Services

The member may serve district constituents in a variety of ways, including: assisting in obtaining aid from public agencies; providing information about state programs, current law, and pending legislation; seeking ideas and opinions and expressing his or her own; providing assistance at the state capitol; and securing assistance, projects, and programs for the district.

g Laws Concerning Legislators' Conduct and Conflict of Interest (ethics, campaign finance, lobbyists, elections, and other prohibited conduct)

The Code of Governmental Ethics permits the member to receive only certain things having economic value from certain persons and specifically prohibits certain actions and activities. It also requires legislators to disclose income from certain sources. The campaign finance laws require reports of election contributions and expenditures, limit the amounts of contributions, and also prohibit certain practices. The legislature has enacted laws regulating legislative lobbying. These laws require registration and disclosure of expenditures by lobbyists and regulate campaign contributions by lobbyists and lobbyist principals during legislative sessions. Other laws prohibit certain practices in elections. Additionally, a number of provisions of the Criminal Code affect public office holders.

RESOURCES AVAILABLE TO ASSIST THE MEMBER

g Emoluments

Allowances are available for district office expenses and furnishings, payment of the salary of a legislative assistant, the member's monthly expense allowance, and telephone service. (See *Representatives' Emoluments*, beginning on page C-17.)

g Information Resources

Many resources to assist the member in matters of concern to the member and the district are available from staff in Baton Rouge, both information in written form and other types of assistance. Many other state government sources of information and assistance are available to the member and his or her constituents. (See *Information Resources* beginning on page G-1.)

SERVICES TO CONSTITUENTS

Some Ways a Representative May Assist Constituents

Interaction with constituents is a basic activity of any legislator. The following is an overview of some of the types of services that a legislator can provide to his or her constituents.

DISTRICT OFFICE

Maintaining a district office with a capable and responsive legislative assistant is very important. The district office is the hub of constituent linkage and is the nucleus around which all services and contacts revolve.

CASEWORKER

As a “caseworker” the legislator and his or her staff can aid in solving both governmental and personal problems. A constituent or a local agency may need specific help or information to resolve difficulties related to social services, Medicaid or Temporary Assistance for Needy Families (TANF) or Family Independence Temporary Assistance Program (FITAP), transportation, public safety, or corrections. The legislator is often an arbiter and an enabler, intervening with a state agency on a constituent's behalf. The legislator may provide the constituent information about federal programs such as Medicare or Social Security. Veterans, or their dependents or survivors, may need assistance in dealing with state and federal veterans' offices. Many times a constituent only needs to locate the correct person to assist them with a governmental problem and other times they just want someone to hear their story. When a problem is satisfactorily resolved, this “casework” can be very rewarding.

STUDENT FINANCIAL ASSISTANCE

Information concerning student financial aid for postsecondary education is frequently the subject of inquiry from constituents. The Louisiana Office of Student Financial Assistance (OSFA) acts as the state guarantor under the Federal Family Education Loan Program and administers most state funded grant and scholarship programs, including the Tuition Opportunity Program for Students (TOPS). OSFA also administers the START program, a qualified state tuition program, which is designed to give parents a tax-advantaged method of saving for their children's postsecondary education and includes a matching state grant for amounts saved. Information concerning the programs administered by OSFA and other sources of postsecondary education financing can be found on OSFA's website (<http://www.osfa.state.la.us>) or by calling their toll-free phone number at 1-800-259-5626. OSFA also publishes *Louisiana's Financial Aid Handbook* (“*The Blue Book*”), which is an excellent reference manual describing federal and state programs and which is available on OSFA's website. The financial aid office of any postsecondary institution is also a good source of information concerning student financial assistance. Legislators also have the ability under state law to award a tuition-free

scholarship at Tulane University, subject to specific guidelines. An overview of the program is available on Tulane's website (<http://www.tulane.edu/~finaid/legis.shtml>). In addition, Tulane can provide information at (504) 988-3390. (For more information regarding these provisions of law, contact the staff of the House Committee on Education at (225) 342-2408.)

INFORMATION ABOUT LEGISLATION

The legislator and his or her assistant are often called upon to provide specific information about legislation; both proposed legislation being considered during session and that enacted into law during a previous session. House Legislative Services staff can help by providing information on existing or proposed law. In addition, the Poynter Library District Office Assistance lines and certain computer programs as well as the legislative websites provide a wealth of information, including bill status, bill history, bill text, amendments, fiscal notes, committee agendas, and daily journals. (See *Information Resources* beginning on page G-1.)

KEEPING IN TOUCH WITH CONSTITUENTS

To keep in touch with constituents' views, a legislator may have community meetings where people can express opinions or concerns. The legislator will also receive correspondence expressing opinions on certain bills and issues. Constituents will telephone, fax, or email their legislator during session concerning the legislator's vote on certain bills. Returning calls and emails from constituents can help the legislator better understand how the people of the district stand on particular issues or bills before an upcoming vote. Newsletters or opinion polls sent to voters can inform them about session activities and provide feedback to the legislator.

The House Office of Public Information ((225) 342-9795) in the State Capitol Annex (Office No. B33) can assist the legislator with news clippings, photography, and video recording services. This office maintains a website (<http://house.louisiana.gov/pubinfo/home.htm>) containing useful information such as House demographics, educational materials for school children, press releases, and session issues. The office also prepares the weekly *House Fax* which is sent to members to keep them posted about events and issues.

TOURS

Arranging tours of the State Capitol may be requested by schools or other groups in the district. The state tourist information desk in the Capitol will help with the arrangements. When groups visit, House members may, as a point of personal privilege, introduce them while the House is in session. (For information on State Capitol tours, see page G-7.)

ASSISTING LOCAL GOVERNMENT

Local governments rely heavily upon financial assistance from state government. State government provides assistance through annual appropriations for such programs as supplemental pay for police and firemen, dedicated revenues from state taxes, and revenues allocated as required by the constitution. Legislators often introduce legislation to provide for assistance to local government, such as the return of sales tax revenues collected from hotels to the tourism commission, the governing authority, or some other entity in the parish in which the money was collected. Legislators work with their officials to develop legislation needed to assist local governments and special districts in carrying out their functions and to assist with economic development in the member's district.

THE LEGISLATOR AND THE CODE OF GOVERNMENTAL ETHICS

Conflicts of Interest, Prohibited Conduct, Financial Disclosure, Post-Service Restrictions

General Prohibition on Receipt of Things of Value	C-1
Specific Provisions for Legislators	C-1
Transportation	C-1
Speeches	C-2
Sporting and Cultural Events	C-2
Prohibited Contracts with the State	C-2
Financial Disclosure	C-3
General Provisions Applying to Public Servants	C-4
Payments from Nonpublic Sources	C-4
Transactions/Recusal/Disclosure Statement	C-4
Prohibited Contracts	C-5
Prohibitions following Public Service	C-5
Abuse of Office	C-5
Other Ethical Standards	C-6
Penalties	C-6
Related Provisions	C-6
 THE LEGISLATOR AND CAMPAIGN FINANCE LAWS	 C-7
<i>Regulating a Legislator's Campaign Contributions and Expenditures</i>	
Candidate Categories	C-7
Reports	C-7
Contribution Limits	C-8
Use of Campaign Funds	C-9
Prohibitions	C-9
Penalties	C-11
Related Provisions	C-11
 THE LEGISLATOR AND LOBBYIST REGULATION	 C-13
<i>Laws Governing the Legislator/Lobbyist Relationship</i>	
Definitions	C-13
Registration	C-13
Disclosure Reports	C-14
Reporting Periods	C-14
Contents	C-14
Exempt Expenditures	C-14
Prohibited Conduct	C-15
Enforcement/Penalties	C-15
 REPRESENTATIVES' EMOLUMENTS	 C-17
<i>Compensation, Allowances, Equipment, and Services available to a Representative</i>	
Salary	C-17
Per Diem	C-17
Travel	C-17
Conferences and Conventions	C-18
Legislative Assistants	C-18
Office Expense and Supplemental Office Allowance	C-18
Furnishing and Equipment Allowance	C-19
Computers	C-19
Telephones	C-19
Parking	C-20
Security Cards	C-20

THE LEGISLATOR AND THE CODE OF GOVERNMENTAL ETHICS

Conflicts of Interest, Prohibited Conduct, Financial Disclosure, Post-Service Restrictions

“Legislative office is a public trust, and every effort to realize personal gain through official conduct is a violation of that trust” (*Const. Art. III, §9*). This provision in the Louisiana constitution also mandates the legislature to enact a code of ethics prohibiting conflict between public duty and private interests of members of the legislature. In addition, the constitution requires that the legislature enact a code of ethics for all officials and employees of the state and its political subdivisions (*Const. Art. X, §21*). The Code of Governmental Ethics fulfills both of the above constitutional mandates by providing a comprehensive code.

The Board of Ethics has jurisdiction involving matters of unethical conduct by officials and employees of the state and its political subdivisions, including legislators. An alleged ethics code violation may be investigated by the board upon receipt of a sworn complaint or upon a two-thirds vote of the board's membership. Information about the board, its opinions, and its agendas is available at the board's website (<http://www.ethics.state.la.us>).

GENERAL PROHIBITION

RECEIVING THINGS OF VALUE

A public servant is prohibited from receiving gifts or things of value from paid lobbyists or persons having or seeking to obtain contractual or business relationships with the public servant's agency. A public servant is also generally prohibited from receiving any thing of value from a private source for the performance of his or her public duties (*R.S. 42:1111 and R.S. 42:1115*). There are specific exceptions for legislators. (See below.) (Note: The term “public servant” includes elected officials, appointed officials, and public employees.)

However, a public servant may receive promotional items having no substantial resale value. A public servant may also consume food, drink, or refreshments and receive “reasonable transportation” and entertainment incidental thereto while the personal guest of some person (*R.S. 42:1102(22)*).

LEGISLATORS /ELECTED OFFICIALS– SPECIFIC PROVISIONS

Several provisions of the Code of Governmental Ethics make specific reference to legislators or elected officials. These include:

TRANSPORTATION: EDUCATIONAL/ INFORMATIONAL

Legislators and legislative branch employees may receive and accept “reasonable transportation” when organized primarily for educational or for informational purposes including on-site inspections. This includes transportation to any point within the boundaries of this state, including its territorial waters, and to any offshore structure located on

the outer continental shelf seaward of the territorial waters and offshore of Louisiana (*R.S. 42:1102(22)*). Legislators and legislative branch employees may also receive food and drink incidental to such transportation.

TRANSPORTATION:
ENTERTAINMENT
PURPOSES ONLY

With reference to legislators only, “reasonable transportation”, when organized primarily for entertainment purposes incidental to food, drink, or refreshments, includes transportation to any point within Louisiana that is within a fifty-mile radius of the perimeter of the legislator's district, or within a fifty-mile radius of the perimeter of East Baton Rouge Parish if the legislator is conducting official business in that parish (*R.S. 42:1102(22)*).

SPEAKING
ENGAGEMENTS

When making a “public speech”, a legislator may accept food, refreshments, and lodging reasonably related to making such speech, as well as reasonable round-trip transportation from his home, or the Capitol, to the site of the speaking engagement from the sponsoring group or organization, provided the speech is given in any state of the United States or Canada and full disclosure of such transaction is made by affidavit to the Board of Ethics within 60 days of the speech. “Public speech” is defined in this context as a speech, or other oral presentation, including a panel discussion, or radio or television appearance by a legislator in his capacity as a legislator (*R.S. 42:1123(16)*).

SPORTING AND
CULTURAL EVENTS

An elected official may also receive anything of economic value as a gift or gratuity from any person where the value of such gift does not exceed \$100 per event, up to an aggregate amount of \$500 in a calendar year from any person, and where the nature of the gift is limited to a cultural or sporting event within the state, including its territorial waters, including entertainment reasonably incident thereto. This also applies to elected officials who are on official business of their governmental entity outside of the state when the elected officials are entitled to compensation or reimbursement for such official business (*R.S. 42:1123(13)*).

CONTRACTS
WITH THE STATE

The ethics code (*R.S. 42:1113(D)*) prohibits a legislator, a legislator-elect, the spouse of a legislator or a legislator-elect, or any corporation, partnership, or other legal entity in which a legislator, a legislator-elect, or the spouse of a legislator or a legislator-elect owns any interest, excluding publicly traded corporations, from entering into any contract or subcontract with state entities (any branch, agency, department, or institution of state government, the Insurance Guaranty Association, the Louisiana Health Insurance Guaranty Association, or any other quasi public entity created by law). Contracts awarded pursuant to public bid or a request for proposal or similar competitive process as provided by law are excepted. (See also, *Exceptions to Prohibitions on Legislator's Contracts with State Agencies* on the following page.)

EXCEPTIONS TO PROHIBITIONS ON LEGISLATOR'S CONTRACTS WITH STATE AGENCIES

- Provider agreements entered into with the Department of Health and Hospitals under the state medical assistance program are not considered contracts or subcontracts subject to the prohibition
- Foster parent provider agreements and child care provider agreements entered into with the Department of Social Services are not considered contracts or subcontracts subject to the prohibition
- Completion of contracts or subcontracts entered into prior to initial election to the legislature; however, no such contract or subcontract may be renewed
- Completion of contracts or subcontracts entered into prior to July 1, 1995; however no such contract or subcontract may be renewed
- Contracts for employment in a professional educational capacity in an elementary or secondary school or other educational institution
- Contracts of sale pursuant to the expropriation of immovable property by any branch, agency, department, or institution of state government
- Contracts of employment of a physician with the state or the charity hospitals of the state
- Donation of professional veterinary services or the donation of goods and services related to the provision of such veterinary services

(Also see *Prohibited Contracts*, on page C-5.)

FINANCIAL DISCLOSURE

Each member of the legislature must file a report of income received from the state or a political subdivision or for services performed for or in connection with a gaming interest, including such income received by the member, the member's spouse, or any business enterprise of which the member or his or her spouse owns at least 10 percent. This report is filed with the chief clerical officer of the house to which the member belongs, by July first of each year of his or her term of office. Income under \$250 is excluded. The report also must include a certification that such member has filed his or her federal and state income tax return, or has filed for an extension of time for filing such tax return. Income specifically included in the reporting requirement includes: remuneration received under any verbal or written contract of employment, fees received for professional services less expenses paid to third parties, and with respect to the sale or lease of immovable property, merchandise or equipment, the net income, prior to taxation, received from each sale or lease. Income specifically excluded from the reporting requirement includes: remuneration from the legislature,

salary for full-time employment of the member's spouse, salary of the member's spouse when the spouse is an elected official, and benefits from a statewide public retirement system. On or before July fifteenth, the secretary of the Senate and the clerk of the House must send the Board of Ethics copies of all disclosure reports filed with them and must notify the board in writing of any members who have not filed such reports. Penalties: Failure to file a report, failure to timely file a report, failure to disclose required information, or filing a false report subjects a member to penalties in the Code of Governmental Ethics and also constitutes contempt of the house to which the member belongs (*R.S. 42:1114.1*). (See also *House Rule No. 4.8*.)

In addition, a legislator and any member of his immediate family who derives anything of economic value, directly, through any transaction involving the legislative branch, or who derives anything of economic value of which he may be reasonably expected to know through a person who has bid on or entered into or who is in any way financially interested in any contract, subcontract, or any transaction involving the legislative branch, must disclose the amount of income or value derived, the nature of the business activity, and, as applicable, the name and address and relationship to the legislator, and the name and business address of the legal entity. This report is due to the Board of Ethics no later than the first of May each year (*R.S. 42:1114*).

ALL PUBLIC SERVANTS

The ethics code contains ethical standards for public servants generally, (the term “public servants” includes all elected officials, appointed officials, and public employees). As public servants, the following also apply to legislators:

PAYMENTS FROM NONPUBLIC SOURCES

Public servants are generally limited to the compensation and benefits they receive from the appropriate governmental entity for performance of the duties of their office. Restrictions, and in some cases prohibitions, are placed upon receiving payments from nonpublic sources. For example, an elected official is prohibited from receiving or agreeing to receive anything of economic value for assisting a person in a transaction or in an appearance in connection with a transaction with the governmental entity or its officials or agencies unless he files a sworn written statement with the Board of Ethics prior to or at least ten days after initial assistance is rendered. For legislators, the term “governmental entity” means the state (*R.S. 42:1111*).

TRANSACTIONS INVOLVING THE GOVERNMENTAL ENTITY

A public servant is prohibited from participating in certain transactions involving the governmental entity in which he or specified other persons have an interest. However, *R.S. 42:1120*, which requires an elected official to recuse himself from voting on matters which may constitute a conflict of interest provides, in part, that an elected official shall not be required to recuse himself if he prepares and files a written statement describing the matter in question, the nature of the conflict

or potential conflict, and the reasons why, despite the conflict, he is able to cast a vote that is fair, objective, and in the public interest (*R.S. 42:1112*). (Note: A legislator must file this disclosure statement with the ethics board as well as with the chief clerical officer of the legislative body or the legislative committee in which the vote is taken. The statement must be filed within three days of the vote and a copy of the statement in the journal, minutes, or record must be filed with the ethics board.)

PROHIBITED CONTRACTS

Certain contractual arrangements between public servants and public entities are prohibited. For example, a legislator, a member of his immediate family, or a legal entity in which he has a controlling interest is prohibited from bidding on or entering into or being in any way interested in any contract, subcontract, or other transaction involving the legislative branch. “Controlling interest” means any ownership in any legal entity or beneficial interest in a trust, held by or on behalf of an individual or a member of his immediate family, either individually or collectively, which exceeds twenty-five percent of that legal entity. “Immediate family” as it relates to a public servant means his children, the spouses of his children, his brothers and their spouses, his sisters and their spouses, his parents, his spouse, and the parents of his spouse (*R.S. 42:1113*). (Note: See also *Contracts with the State*, beginning on page C-2.)

PROHIBITIONS FOLLOWING PUBLIC SERVICE

An elected official is prohibited for a period of two years following the termination of his elected public service from assisting another person, for compensation, in a transaction or in an appearance in connection with a transaction involving his former agency (the legislative branch for a legislator). Also, a legal entity in which a former public servant is an officer, director, trustee, partner, or employee, is prohibited for a period of two years following the termination of his public service, from assisting another person, for compensation, in a transaction, or in an appearance in connection with a transaction in which the public servant at any time participated during his public service and involving his former agency. Former public servants are also prohibited from sharing in any compensation received by another person for assistance which such former public servant is prohibited from rendering (*R.S. 42:1121*).

ABUSE OF OFFICE

Using one's office or position with intent to compel or coerce someone to provide a thing of economic value to anyone is prohibited. Using one's office or position, directly or indirectly, in a manner intended to compel or coerce any person or other public servant to engage in political activity is prohibited. In addition, regulatory employees are prohibited from participating in the sale of goods or services to a person regulated by his public agency (*R.S. 42:1116*).

OTHER ETHICAL
STANDARDS

In addition to the above ethical standards, the code includes provisions prohibiting illegal payments, influencing legislative action, and nepotism. Specific exceptions to the ethics code are found in R.S. 42:1123. (Note: In addition, to prohibitions in the ethics code, there are other conflict of interest provisions, for example a legislator is specifically prohibited, by R.S. 24:31.5, from employing a member of his or her family as a legislative assistant.)

PENALTIES

General penalties for elected officials for violations of the ethics code include censure and fines of not more than \$10,000, or both (*R.S. 42:1153*).

This summary is necessarily brief. The Code of Governmental Ethics is included in the *A Compilation of Selected Provisions Relative to Conflicts of Interest and Ethics of Public Officers and Employees* which is made available to all members of the House of Representatives. (For more information regarding these provisions of law, contact the staff of the House and Governmental Affairs Committee at (225) 342-2403.)

RELATED
PROVISIONS

In addition to the ethics code, there are provisions in the Louisiana Gaming Control Law which prohibit certain public officials from engaging in certain business relationships with riverboat gaming licensees and the land-based casino operator (*R.S. 27:96 and 261*). Also, Louisiana's Criminal Code defines and prohibits a number of criminal offenses relating to public office and holders of public office. These include: public bribery (*R.S. 14:118*); bribery of voters (*R.S. 14:119*); corrupt influencing (*R.S. 14:120*); public intimidation (*R.S. 14:122*); threatening a public official (*R.S. 14:122.2*); perjury (*R.S. 14:123*); false swearing (*R.S. 14:125*); injuring public records (*R.S. 14:132*); filing false public records (*R.S. 14:133*); malfeasance in office (*R.S. 14:134*); public salary deduction (*R.S. 14:135*); public salary extortion (*R.S. 14:136*); public payroll fraud (*R.S. 14:138*); political payroll padding (*R.S. 14:139*); public contract fraud (*R.S. 14:140*); prohibited splitting of profits, fees or commissions (*R.S. 14:141*); bribery of withdrawn candidates (*R.S. 14:352*).

THE LEGISLATOR AND CAMPAIGN FINANCE LAWS

Regulating a Legislator's Campaign Contributions and Expenditures

The Board of Ethics also functions as the Supervisory Committee for Campaign Finance Disclosure. The Campaign Finance Disclosure Act requires reports of campaign contributions and expenditures for candidates and political committees. It also prohibits certain campaign conduct and limits the amounts of campaign contributions. Louisiana's law does not use the term "PAC" (political action committee); the terms "committee" and "political committee" are used. Depending upon the specific context, committee may mean a candidate's committee (which reports with the candidate) or a committee not established by a candidate which supports or opposes one or more candidates. This latter type is informally referred to as a PAC. More information regarding the Board of Ethics, including campaign finance reports which have been filed and opinions issued regarding campaign finance matters, can be found on the Internet (<http://www.ethics.state.la.us>). (For additional information about campaign finance laws, election offenses, and related provisions contact the staff of the House and Governmental Affairs Committee at (225) 342-2403.)

THREE CATEGORIES OF CANDIDATES

Candidates are divided into three categories: major (statewide, PSC, Supreme Court, BESE, certain other offices in districts with a population over 250,000, and certain specified judicial offices); district (legislature, parishwide and multi-parish (except those that are major), districts of over 35,000 population, and certain specified judicial offices), and other.

REPORTS OF CONTRIBUTIONS AND EXPENDITURES

All contributions and expenditures must be reported and the report must aggregate them for each contributor or recipient. Therefore, complete records must be kept including the sale of tickets to testimonials or other fundraising events. The records should contain the date, amount, and name and address of each contributor or recipient. However, the name and address of each purchaser of campaign paraphernalia for twenty-five dollars or less need not be kept.

- ♦ Reports must be filed with the supervisory committee on a statutorily established schedule. For a legislative candidate this generally means two reports before the primary election, an Election Day Expenditure report for the primary election, another report before the general election, an Election Day Expenditure report for the general election, and one after the general election. There are also Special 48 Hour Reports that must be filed if certain transactions occur during the election cycle. (See next page.) In addition to these reports which occur during the months of the campaign, there are other campaign reports which may be required of a candidate or his principal campaign committee.
- ♦ If the candidate's or committee's final report shows a deficit, a supplemental report must be filed by February 15. This report

must be filed annually until the reportable debts and obligations of the campaign have been extinguished. Supplemental reports must also be filed if the final report of a candidate, former candidate, or committee shows a surplus until the surplus is disposed of.

- ♦ Even if the candidate or committee has no deficit, an annual report must be filed on February 15 unless:
 - ▶ The candidate or committee has filed another required report, such as a supplemental report, after the preceding December 10th and prior to the February 15th due date; or
 - ▶ The candidate or committee has not received contributions or made expenditures, or made or received loans, or made or received transfers of funds during the reporting period.
- ♦ In certain instances involving small campaigns (for a legislator, contributions of less than \$200 and expenditures of no more than \$5,000 during the aggregating period) the candidate or his committee may file an affidavit in lieu of a report.
- ♦ Special 48-Hour Reports. During the 20 days prior to an election through midnight of election day, a *report* must be filed within 48 hours of any contribution or loan in excess of \$250, or an expenditure in excess of \$200 to a candidate, committee, or someone required to report who makes endorsements.
- ♦ A special report of election day expenditures must be filed not later than ten days after each election.
- ♦ Reports filed by certain candidates for statewide office are required to be filed electronically. All other candidates have the option of either filing paper copies or electronically. However, all reports once filed are available on the Board of Ethics website (<http://www.ethics.state.la.us>).

CONTRIBUTION LIMITS

The Campaign Finance Disclosure Act specifically limits campaign contributions to legislative candidates and their committees to \$2,500, except that for such contributions made by political committees with over 250 members who contributed at least \$50 to the political committee during the preceding calendar year the limit is \$5,000. These limits are per election (the primary and general election are separate elections) and do not apply to a candidate's use of his personal funds or any contributions made by recognized political parties or committees thereof. Legislative candidates may not accept more than \$60,000 in contributions from political committees (other than those from recognized political parties) for both the primary and general election.

CONTRIBUTION LIMITS/LEGISLATIVE CANDIDATES

	To a legislative candidate or his committee per election ¹
Individual may give ²	\$2,500
Family member of candidate may give	\$2,500
Legal entity may give ³	\$2,500
PAC may give ⁴	\$2,500
Big PAC ⁵ may give ⁴	\$5,000
Democratic or Republican Party or committees may give	No limits

¹ The primary and general elections are considered as two separate elections.

² A husband and wife may each make a contribution to the same candidate up to the limit. However, separate checks should be used. If a single check is signed by one spouse, the other must provide an affidavit as to their intent to share in the contribution.

³ Includes legal entities owned wholly or partially by candidates, except Internal Revenue Code Subchapter S corporations wholly owned by the candidate. Parent corporations and their subsidiaries are subject to a single limit. A corporation is a parent if it owns over 50% of another corporation.

⁴ Candidates are also subject to an aggregate limit on the contributions they may accept from all PAC's combined for both the primary and general elections. Those limits are: \$80,000 - major office, \$60,000 - district office, and \$20,000 - any other office.

⁵ A PAC with over 250 members who contributed over \$50 to the PAC during the preceding calendar year that has been certified as meeting such membership requirement.

USE OF FUNDS

The campaign finance laws prohibit the personal use of campaign contributions unrelated to a political campaign, the holding of a public office or party position. The provisions of the Campaign Finance Disclosure Act specify the purposes for which excess campaign funds may be used.

PROHIBITIONS

The Campaign Finance Disclosure Act specifically prohibits the following:

- ✦ The contributing of money, materials, or loans to support a candidate or political committee through or in the name of another, directly or indirectly.
- ✦ Expenditures from funds which have been contributed anonymously. Anonymous contributions must be paid over to the state by the recipient.
- ✦ Cash contributions in excess of \$100 during a calendar year. Any cash contribution of \$100 or less must be evidenced by a receipt containing the name, address, social security number, and signature

of the contributor.

- ✦ Contributions from certain persons substantially interested in the gaming industry. Candidates or committees who accept gaming contributions must pay those contributions over to the state within 10 days of notification by the supervisory committee. (Note: In the case of *Claude M. Penn, Jr., et al. v. State of Louisiana* 751, So.2d 823, the state Supreme Court found a portion of this prohibition unconstitutional insofar as it precludes contributions to candidates and political committees by video draw poker licensees and related persons. However, in the case of *Casino Association of La., Inc., et al. v. State of Louisiana*, 820 So.2d 494, the state Supreme Court upheld the constitutionality of the prohibition as applied to riverboat and land-based casino licensees.)
- ✦ Contributions from foreign nationals. Candidates or committees may not accept contributions from foreign nationals and must pay such contributions over to the state within 10 days of notification by the supervisory committee.
- ✦ A candidate for state office using his federal campaign funds to support his state candidacy.
- ✦ Expenditures in excess of \$100 from petty cash and expenditures from petty cash for any personal services except gratuities for the serving of food or drink.
- ✦ A campaign contribution from a corporation, labor organization, or trade or business, or professional association without that entity first obtaining the appropriate authorization from its membership or officers. Such contributions must be by check or in-kind. The board of directors of a corporation may designate a person by resolution to make contributions and expenditures on its behalf.
- ✦ The receipt of contributions, or expenditures, loans, or transfers of funds to or from a committee to another committee in the aggregate in excess of \$500 during a calendar year until the committee has filed an annual statement of organization.
- ✦ A contribution by a candidate to any committee required to file an annual statement of organization which has not filed such a statement.
- ✦ Giving or accepting anything of economic value, including reimbursement, for conveying an elector to a polling place to vote. There are specified exceptions for certain bona fide and permitted or licensed transportation.

PENALTIES

For a legislator, the civil penalty for knowingly and willfully failing to file reports timely and accurately is a fine not to exceed \$60 per day up to a total penalty of \$2,000. Criminal penalties are provided for a knowing, willful, and fraudulent failure to file or timely file a report. The criminal penalty for a legislator is six months in jail, or a fine up to \$500, or both.

RELATED PROVISIONS

Though not part of the Campaign Finance Disclosure Act the following related lobbyist disclosure provisions should also be noted:

♦ Fundraising Functions During Legislative Sessions

Fundraising functions for or by a legislator are prohibited during a regular or extraordinary legislative session unless written notice of the function has been given to the Board of Ethics prior to the function. (See *The Legislator and Lobbyist Regulation* beginning on page C-13.) (See also *R.S. 24:56 and 56.1*).

Though not part of the Campaign Finance Disclosure Act (and not subject to its enforcement provisions) the following related election offenses should also be noted:

♦ Election Offenses

The election code prohibits any person from giving or offering to give, directly or indirectly, any money or thing of present or prospective value to any person who has withdrawn or who was eliminated prior or subsequent to the primary election as a candidate for public office, for the purpose of securing or giving his political support to any remaining candidates or to candidates for public office in the primary or general election (*R.S. 18:1461*).

♦ Contribution in Return for Endorsement

The election code provides that no person shall solicit or receive funds nor any thing of value from a candidate or political committee and no candidate or political committee or other person shall pay any funds or any thing of value to any person for the purpose of endorsing, supporting, opposing, or securing an endorsement, support of or opposition to any candidate. The provisions are not to be construed to prohibit the payment by a candidate, political committee, or other person of funds or any thing of value to a person in return for the conducting, by the person to whom the payment is made, of a social function which is in support of or in opposition to a candidate or political committee or which otherwise seeks to influence an election (*R.S. 18:1468*).

♦ Bribery of a Candidate

Bribery of a candidate is defined by the election code as the giving, promising or offering to give, directly or indirectly, a campaign contribution to a candidate, political committee, or other person, or the accepting, soliciting, offering to accept, directly or indirectly, a campaign contribution, by a candidate, political committee or other person, with the intention that the candidate will provide or influence another to provide the contributor or another person a position of public employment, an appointive governmental position, a public contract, or anything of apparent present or prospective value (*R.S. 18:1469*).

THE LEGISLATOR AND LOBBYIST REGULATION

Laws Governing the Legislator/Lobbyist Relationship

The primary laws regulating legislative lobbying (*R.S. 24:50 et seq.*) were revised in 1996. These statutes provide for the registration of lobbyists, for certain reports of their expenditures, and prohibit certain conduct. Only “lobbyists” as defined in the law are regulated. Statewide elected officials and their designees are specifically excluded from the application of the law.

DEFINITIONS

Key definitions include:

Lobbyist: A person employed to act in a representative capacity for the purpose of lobbying if lobbying constitutes one of the duties of such employment, or any person who receives compensation of any kind to act in a representative capacity when one of the functions for which compensation is paid is lobbying and who makes expenditures of \$200 or more in a calendar year for the purpose of lobbying.

Expenditure: The gift or payment of money or anything of value when the amount of value exceeds \$10 for the purchase of food, drink, or refreshment for a legislator and any gift or payment as permitted by ethics code provisions relative to speaking engagements and sporting and cultural events (*R.S. 42:1123(13) and (16)*) when the value exceeds \$10 for the purpose of lobbying when the lobbyist or principal accounts or would be expected to account for the expenditure as an ordinary and necessary expense directly related to the active conduct of the lobbyist's, his employer's, or the principal's trade or business.

Lobbying: A direct act or communication with a legislator, the purpose of which is to aid in influencing the passage or defeat of any legislation.

Legislation: Bills, resolutions, concurrent resolutions, joint resolutions, amendments, nominations, and other matters pending or proposed in either house of the legislature. It includes any other matter which may be the subject of action by either house.

REGISTRATION

Each lobbyist must register with the Board of Ethics within five days of employment as a lobbyist or within five days after the first action requiring his registration. Registration must be renewed annually between December 1 and January 31. Registration requires specified information, including the lobbyist's name and business address; the name and address of the person who employs him and, if different, whose interests he represents, including the business in which that person is engaged, the name of each person by whom he is paid or is to be paid, and a copy of a recent photograph. A \$110 fee must accompany each registration and each renewal registration form filed. If registration information changes, a supplemental registration must be filed.

REPORTS

Each lobbyist must file a report semiannually with the Board of Ethics of all expenditures incurred for the purpose of lobbying.

- ◆ Reporting Periods.
 - ▶ The first reporting period is January first through June thirtieth and the report is due by August fifteenth.
 - ▶ The second reporting period is July first through December thirty-first and the report is due by February fifteenth.
- ◆ Contents. Each report includes:
 - ▶ Total expenditures (as defined) during the reporting period.
 - ▶ If the aggregate expenditure for any one legislator exceeds \$50 on one occasion, or if the aggregate expenditure for one legislator exceeds \$250 in a reporting period, the total amount of expenditures for the legislator (by name) during the reporting period.
 - ▶ The aggregate total of expenditures for all reporting periods during the same calendar year.
 - ▶ The aggregate total of all expenditures attributable to an individual legislator (by name) for all reporting periods in the same calendar year.
 - ▶ A statement of the total expenditures for each reception or social gathering to which the entire legislature, either house, any standing committee, select committee, statutory committee, committee created by resolution of either house, subcommittee of any committee, recognized caucus, or any delegation thereof, is invited, including the name of the group or groups invited and the date and location of the reception or social gathering.
- ◆ Exempt expenditures. Any expenditure (as defined) for any reception or social gathering sponsored in whole or in part by a lobbyist, individually or on behalf of a principal he represents, held in conjunction with a meeting of a national or regional organization of legislators or legislative staff to which any legislator is invited is exempt from the lobbying laws. In addition, any expenditure for any meal or refreshment consumed by or offered to a legislator in connection with the legislator giving a speech, being a member of a panel, or otherwise being involved in an informational presentation to a group is not reportable; except that such types of expenditures for out-of-state speeches permitted by the ethics code provision R.S. 42:1123(16) must be reported.

- ♦ Public records. Reports and forms filed are required to be maintained as public records and available for public inspection. A reasonable amount may be charged for copies.

PROHIBITED CONDUCT

Fundraising during a Regular Legislative Session. R.S. 24:56 prohibits a fundraising function from being held during a legislative session for or by a legislator unless written notice of the function has been given to the Board of Ethics not less than 30 days prior to the function. A lobbyist, for himself or his principal, is prohibited from offering or providing to a legislator or his principal campaign committee any campaign contribution or loan resulting from a fundraising function held during a legislative session unless the required notice has been given. In addition, unless the required notice is given, a legislator may not solicit or receive any campaign contribution or loan for himself or his principal campaign committee from a lobbyist or his principal resulting from a fundraising function held during a legislative session. Fundraising during an Extraordinary ("Special") Session. R.S. 24:56.1 provides that no fundraising function shall be held for or by a legislator during such a session unless notice of the function has been filed with the Board of Ethics within two business days after the issuance of the proclamation stating the objects of the session.

Lobbying by State Employees. A state employee (in his official capacity or on behalf of his employer) is prohibited from lobbying for or against any matter intended to have the effect of law pending before the legislature or any legislative committee. The prohibition does not prevent the dissemination of factual information relative to any such matter or the use of public meeting rooms or meeting facilities available to all citizens to lobby for or against any such matter.

ENFORCEMENT/ PENALTIES

The Board of Ethics is responsible for the administration and enforcement of the lobbying laws. The board has authority to impose penalties and to collect them as provided in the ethics code, and the board may recommend to the legislature that the legislature censure any person the board finds guilty of violations and prohibit such person from lobbying for not less than 30 days and not more than one year. No action to enforce the law can be taken after two years after the alleged violation.

In addition to other penalties, the failure to register or timely register or failure to timely file any report is subject to a late fee of \$50 per day. For registrations or reports that are 11 or more days late, in addition to late fees, a civil penalty not to exceed \$10,000 must be assessed.

REPRESENTATIVES' EMOLUMENTS

Compensation, Allowances, Equipment, and Services Available to a Representative

SALARY

The salary for members of the House of Representatives is \$16,800 per year. Members also receive a \$6,000 per year unvouchered expense allowance. Both of these are subject to federal and state income tax and are also subject to withholding for Medicare and social security.

PER DIEM

Members receive per diem for each legislative session day.

During the interim members also receive per diem for actual attendance at meetings of legislative committees of which he or she is a member. These per diems are paid only upon the receipt of a signed per diem/travel voucher for each meeting.

The amount of the per diem is equal to the federal per diem rate for Baton Rouge. The per diem rate is adjusted annually by the I.R.S. Currently, the per diem is \$121. This rate will be effective through September 30, 2004.

Per diem is subject to federal and state income tax and is also subject to withholding for Medicare and social security.

TRAVEL

Each member of the House of Representatives is paid a mileage allowance for trips between the member's home and the Capitol during sessions of the legislature, regardless of the method of transportation. During session the maximum mileage allowance paid to a member is equal to one round trip per calendar week of session.

During the interim each member is paid a mileage allowance for actual attendance at meetings of legislative committees of which he or she is a member. The mileage allowance is paid for actual travel between the member's home and the site of the committee meeting.

The mileage allowance is equal to the federal standard mileage rate established for business travel. The mileage rate is adjusted annually by the I.R.S. Currently, the mileage rate is 36 cents per mile. For the calendar year 2004 the mileage rate will be 37.5 cents per mile.

In lieu of the mileage allowance, during sessions and during the interim, a legislator may be reimbursed the actual cost paid by the legislator for a commercial coach fare airline ticket, for travel for which the mileage allowance is otherwise authorized. Air fare reimbursement will be considered only if the distance of travel one way by the most direct land route is in excess of 100 miles.

CONFERENCE AND
CONVENTION
PER DIEM AND
TRAVEL

All conference and convention travel must be approved in advance by the Speaker of the House.

When a member attends an approved conference or convention in furtherance of the conduct or holding of office, the House of Representatives pays or reimburses expenses such as registration fees, lodging fees, and air fare or mileage fees. In addition to these payments the member also receives per diem for the number of days of the conference or convention. This per diem is to cover all travel-related expenses other than those listed above.

LEGISLATIVE
ASSISTANTS

Each member of the legislature is entitled to employ one or more legislative assistants. These assistants are employed by and work for the member. The duties and responsibilities of the assistants are determined by the representative. (Note: R.S. 24:31.5 prohibits a legislator from employing a member of his family as a legislative assistant.)

These assistants are employed as unclassified state employees and are paid by the House of Representatives. Legislative Assistants are not entitled to annual leave or sick leave. All legislative assistants are eligible for workers' compensation coverage. However, only a full-time assistant who has at least one year of experience and who meets certain other qualifications is eligible for the state's group insurance program and the state employees' retirement system.

The total starting salary of a new member's legislative assistant without prior legislative experience cannot exceed \$2,000 per month. However, a legislative assistant with prior legislative experience can be paid a higher salary according to the number of years of experience.

OFFICE EXPENSE
ALLOWANCE AND
SUPPLEMENTAL
OFFICE ALLOWANCE

As a legislator, each member is entitled to be reimbursed a total of \$500 per month, or so much thereof as may be necessary, for the payment of rent for office space in the parish(es) which he or she represents, for payment of the cost of maintaining such office or offices, and for other expenses related to such office(s).

Also, each state representative is entitled to a supplemental office allowance of \$1,500 per month for other expenses related to the operation of the district office and performance of duties as a legislator. This expense allowance is used to pay for district office telephone lines, office equipment and supplies, and other approved reimbursable expenses. (Note: Currently, each state representative has been asked to voluntarily reduce this allowance by 10%.)

In order to be reimbursed from the office expense allowance or the supplemental allowance account, the member must submit a voucher

for each eligible expense. (Note: The Per Diem and Travel Expense Form, the Monthly Office Expense Allowance Report, the Request for Travel Authorization, as well as other forms are available on the House Intranet.

FURNISHING AND EQUIPMENT ALLOWANCE

Each new member of the legislature who maintains a legislative district office is entitled to an allowance of \$2,000 for the purpose of purchasing office furniture and equipment. All purchases for members of the House of Representatives must be made in accordance with purchasing policies of the Legislative Budgetary Control Council and must be placed through the House of Representatives.

Each legislator who has served one or more four-year terms in the legislature, upon taking office for each subsequent and consecutive four-year term, receives an additional allowance of \$500 for such purposes.

Additionally, each legislator will be supplied with a computer for the district office and a laptop computer for use by the member for official legislative business.

Upon leaving office, each legislator having possession of equipment or furniture may purchase such property at a cost determined by the Speaker.

COMPUTERS

Each member of the House of Representatives is provided a desktop computer and a laptop computer. Both are pre-loaded with a standard suite of software products to support the legislator's needs, both in the district office (the desktop) and in the Capitol during session (the laptop). Each computer has a separate email account. Any request for additional software or hardware must be made through and approved by the Speaker's Office. Currently, internet service is generally provided to all district offices through Bell South FastAccess DSL. If this service is not available in the legislator's area, the legislator may make arrangements with a third-party high speed internet service provider (ISP) in their area, with prior approval of the Speaker's Office. (See the *"Guide to Computer Services"* or call the Computer Center Help Desk at (225) 342-4000 for more information.)

TELEPHONES

Each member of the House of Representatives is allowed three telephone lines in his or her district office. On one of these lines a member is permitted to have two extensions, either on or off the premises of the district office. All requests for service must be made through the telecommunications coordinator for the House of Representatives. (Call (225) 342-2198 for more information.)

For additional information regarding telephone service and representatives' compensation, please refer to the *Information Resources* section of this manual and the handbook *"Compensation and Benefits for the*

Louisiana House of Representatives”.

PARKING

Session: Committee chairmen and vice chairmen are assigned spaces on the two rows of the drive immediately north of the east wing of the Capitol. Other members are assigned spaces in the back lot on a seniority basis. Parking cards for the back lot will be distributed by the clerk's office prior to the session. All members will receive windshield permits and license plates prior to the session.

Interim: Parking for state representatives when the legislature is not in session is available on the two rows of the drive immediately north of the east wing of the Capitol. Also, if a large number of state representatives is expected at the Capitol on a particular day, parking spaces will normally be reserved in the back lot.

SECURITY CARDS

There are some entrances to the Capitol and elevators within the Capitol to which use is restricted. Each member is issued a security card which allows access to the back parking lot at the Capitol, after-hours entry into the Capitol, and the utilization of restricted-use elevators at the Capitol. Please contact the Sergeant at Arms' office at (225) 342-1228 for further information.

THE LEGISLATOR AS LAWMAKER – THE INTERIM

How Committees and Legislators Can Be Effective Between Sessions

Overview	D-1
THE COMMITTEE SYSTEM – THE INTERIM BETWEEN SESSIONS	D-3
<i>How the Legislature Functions Through Committees</i>	
Composition	D-3
Types of Interim Committee Studies	D-3
Research Studies	D-3
Oversight	D-4
Hearings on Prefiled Legislation	D-5
Committee Broadcasts	D-5
INTERIM ORGANIZATION AND FUNCTIONS	D-7
<i>Committee Planning and Staffing</i>	
Planning	D-7
Subcommittees	D-7
Effective Committee Study; Effective Use of Staff	D-7
THE INDIVIDUAL LEGISLATOR - THE INTERIM	D-9
<i>What a House Member Does -- Committee Work and Session Preparation</i>	
Primary Areas of Interim Activity	D-9
Guidelines	D-9
How to Use Staff	D-10
Developing Legislation	D-10
Member Responsibility	D-12
Developing Support for the Bill	D-12
HOW STAFF ASSISTS COMMITTEES AND MEMBERS DURING THE INTERIM ...	D-15
<i>What Staff Can Do to Make Committees and Individual Members More Effective</i>	
Overview	D-15
Research	D-15
Committee Studies	D-16
Legislative Oversight	D-16
Bill Drafting	D-18
Effective Use of Staff Services	D-18
HOW A REQUEST BECOMES A BILL	D-21

THE LEGISLATOR AS LAWMAKER – THE INTERIM

How Committees and Legislators Can Be Effective Between Sessions

OVERVIEW

The time between legislative sessions – known as “the interim” – is just as important as the session. Committee studies, including oversight, are among the most important functions of the lawmaking process. For the individual member, the time between sessions is used for working with constituents and getting ready for the next session.

- g Historically, the legislature was not a co-equal branch of state government. Prior to the early +70s, standing committees did not meet in the interim. Between sessions, individual legislators used staff only to draft bills and do limited research. The staff was small and standing committees had no research staff. Interim activity of committees and members has been very significant in strengthening the legislative branch.
- g An effective interim standing committee system and the ongoing activities of individual members provide a year-round presence of the legislature in state government. This has made the legislature a more effective partner in the three branch system of government.

The **committee system** in the House consists of 17 standing committees. Committee subject matter jurisdiction is defined in the House Rules (*House Rule 6.6*). Standing committees use the interim effectively when they fully utilize their interim authority.

- g Committees study and prepare for session by examining problems and issues within their own jurisdictional areas and by development of proposed legislation.
- g Committees use the interim for oversight of state government programs and operations within their subject areas. They seek to ensure that legislative intent of laws that have been enacted is carried out. They review and approve or disapprove proposed agency rules. Committees sometimes visit state facilities and hold public hearings outside Baton Rouge.
- g Committees also may hear prefiled legislation before the session convenes.

The **individual legislator** uses the interim to prepare for the next session – to gather information and seeks possible solutions to problems; to develop draft legislation; and to plan for the session.

Many resources are available to both committees and to individual members to help them use the interim effectively.

THE COMMITTEE SYSTEM – THE INTERIM BETWEEN SESSIONS

How the Legislature Functions Through Committees

The interim activities of standing committees are critical to the role of the legislature as a co-equal branch of state government. The authority of the legislature as policymaker is exercised during the interim through the standing committees, essentially through studies, oversight, and presession hearing of legislation.

COMPOSITION

The standing committee system of the House of Representatives is comprised of the 17 permanent House standing committees. The committees and the specific subject matter jurisdiction of each are established by House Rules (*House Rules 6.1 and 6.6*). The chairman and

HOUSE STANDING COMMITTEES

- | | |
|--|---|
| g Administration of Criminal Justice | g Insurance |
| g Appropriations | g Judiciary |
| g Agriculture, Forestry, Aquaculture and Rural Development | g Labor and Industrial Relations |
| g Civil Law and Procedure | g Municipal, Parochial and Cultural Affairs |
| g Commerce | g Natural Resources |
| g Education | g Retirement |
| g Environment | g Transportation, Highways and Public Works |
| g Health and Welfare | g Ways and Means |
| g House and Governmental Affairs | |

members of each committee are appointed by the Speaker of the House (except that certain members of the Appropriations Committee are elected as provided by House Rules (*House Rule 6.4*)).

TYPES OF INTERIM COMMITTEE STUDIES

The standing committees engage in several kinds of interim studies, all having significance for legislative policymaking. These include: studies of problems and possible solutions, often with a view toward proposed legislation; oversight of the implementation of laws previously enacted, including review of proposed agency rules; and presession hearings of proposed legislation and prefiled bills.

RESEARCH STUDIES

Committees have authority and responsibility to conduct research studies for the legislature.

- g House Rules (*House Rule 14.16*) authorize each standing committee to “study and hold hearings between sessions of the legislature on matters, subjects, or problems” within its subject matter jurisdiction as directed by the legislature or the House or by a majority of its own members. Interim meetings are subject to specific notice requirements.
- g Such studies may be for the purpose of examining the scope of particular problems within the committee’s jurisdiction; gathering data and information; obtaining testimony and opinion; developing and evaluating alternative solutions, and drafting and considering proposed legislation. Committee activities may include on-site visits to facilities around the state that pertain to committee subject matter, as well as committee hearings to receive public testimony and opinion on matters of concern to the committee and the public.
- g Studies may be conducted jointly with the corresponding Senate committee having jurisdiction of the subject matter or by the House committee only.
- g Many studies are directed by a study request, a legislative instrument requesting the committee or a joint committee to study a particular problem. However, a committee may determine on its own initiative, by majority vote (subject to the Speaker’s approval), that it will undertake a particular study.

OVERSIGHT

Committees have the authority and responsibility to oversee the implementation of law.

- g “Oversight” is a much used and somewhat misunderstood term. It refers not only to the statutory authority of committees to review proposed agency rules, but also to the entire scope of all types of legislative activity that are directed to assure compliance with legislative intent in implementation of laws.
- g House and Senate committees are authorized by the Administrative Procedure Act (APA) to review rules proposed by agencies within their subject matter jurisdictions. Since agency rulemaking authority is actually the delegation of the details of lawmaking to executive branch agencies, the legislature has retained authority, subject to gubernatorial override, to disapprove proposed rules. Detailed procedures for review of agency rules are specified by the APA (*R.S. 49:950 et seq.*).
- g House and Senate committees are required by Joint Rule 16 to “conduct legislative oversight of the administration of laws and programs by agencies supported ... by state funds ...”. Committees may conduct in-depth program evaluations to ensure that program

purposes are valid and are being served and they may also do less extensive evaluative research related to the operation of programs. They may also develop related proposed legislation.

- g The Sunset Law (*R.S. 49:190 et seq.*) abolishes executive branch agencies on specified dates unless they are re-created by the legislature prior to such dates. Standing committees are required to evaluate the agencies within their jurisdictions and the agencies' programs to determine if their legal authority should terminate. The law authorizes the committees to select particular entities or programs for more extensive evaluation.
- g Reorganization of executive branch department structure is another type of oversight study. Usually undertaken by the House and Governmental Affairs Committee, whose jurisdiction includes executive branch organization, this type of study may also be related to any committee's review of departments within its jurisdiction. Such studies examine issues such as duplication of functions, consolidation of agencies, placement of functions within a department's structure, and cost-effectiveness of organizational structure.

HEARINGS ON PREFILED LEGISLATION

Committees have the authority to conduct hearings on prefiled legislation prior to the session and to determine the committee report on such legislation. If the committee determines its report at a presession hearing, then during the session the committee must report the bill in the same way, unless the committee requests permission to change its report and the House permits the change, all within certain time frames. House Rules carefully regulate these procedures. Prefiling and presession hearings are intended to allow more time for committee hearings, particularly for complex and controversial matters, and to relieve the busy committee agendas during session. Rule changes in 1998 encouraged committees to make greater use of this authority.

COMMITTEE BROADCASTS

Committee meetings during the interim are broadcast on the internet and on closed circuit television accessible via cable television in the State Capitol complex. Internet broadcasts of meetings are archived for later viewing. See *Information Resources for Constituents* beginning on page G-27 and *Broadcast of Legislative Proceedings* on page E-17.

INTERIM ORGANIZATION AND FUNCTIONS OF COMMITTEES

Committee Planning and Staffing Between Sessions

PLANNING

Effective committee study requires careful planning. Rules require committees to submit statements of study scope, anticipated meetings, and estimated cost to the Speaker for approval. Productive use of committee and staff time is best assured by an overall plan for the committee interim, including the matters to be studied by subcommittee, if any, and a plan for each study.

SUBCOMMITTEES

Committees are authorized to establish subcommittees, which may take action subject to approval of the committee. Committees often assign interim studies to appropriate subcommittees.

EFFECTIVE COMMITTEE STUDY; EFFECTIVE USE OF STAFF

The committee chairman should use staff expertise in planning each study. Such plans should include identification of the problem(s) and the questions the committee seeks to answer; the kind of information necessary to define the problem and answer the committee's questions; the methodology necessary to gather the information and the time required to gather it; and how the time for each committee meeting will be fully and productively used, including research findings to be presented and testimony to be given.

Committees should seek to obtain as much information on the topic as time permits. Longer range planning will result in obtaining better information.

- g **Research studies** by committees which examine problems and alternative solutions should include such staff research as: staff preparation and presentation (written and/or oral) of background information (such as data and information relative to the scope of the problem, present laws and programs related to the problem, experience or laws of other states); staff interviews of department personnel and other interested or affected persons who may testify before the committee in order to assure that informed testimony will be provided to the committee; preparation, submission, and analysis of data from questionnaires submitted or administered to affected agencies or persons; drafting suggested questions for members to use during hearings.
- g **Review of proposed agency rules** by a committee should include such staff preparation as: examination of the legal authority for the rule and legislative intent related to the rule; explanation, written and oral, of the change proposed by the new rule; research into

related legislative activity, particularly whether the committee has considered similar or related bills or rules; information related to possible effects of the rule. The Legislative Fiscal Office staff must review and approve the fiscal impact statements and economic impact statements prepared by the agency concerning proposed rules that the agency is required to submit with its statement of intent to adopt rules.

- g **In-depth program evaluation** research requires considerable staff effort and continuing direction by the committee. It involves identification of program goals and objectives as established by the legislature or by program administrators and gathering of objective information and data to indicate how well such goals and objectives are met. It often examines the cost-effectiveness and efficiency of the program and its management. This can include such methodology as staff analysis of records and data of the program or gathering of new data, interviews, administration of questionnaires or surveys to affected persons, and other more traditional research into provisions of law and comparisons with other states. The legislative auditor and the Legislative Fiscal Office have been charged by law with conducting performance audits and program evaluations for the legislature.
- g **Limited program evaluation** research methods may also be used to examine specific questions related to program operations. This type of research may use some of the same sort of methodology, though of a less extensive nature, as does a full program evaluation. It can aid in an immediate and effective committee response to problems which arise in program or department operations.
- g **Sunset studies** are useful in informing committee members about agency programs and activities and in determining whether the agency and/or its programs continue to be needed. The sunset law outlines specific determinations the committee is required to make as part of its study to decide whether an agency should be recreated or should be allowed to “sunset” and cease to exist. Committee sunset activities may also include a review of the agency’s indicators of program effectiveness and any audits or reports prepared by the legislative auditor concerning the agency.

THE INDIVIDUAL LEGISLATOR – THE INTERIM

What a House Member Does Between Sessions - Committee Work and Session Preparation

To be effective, activities of individual House members during the interim between legislative sessions require planning and attention. It is particularly important that each member give careful consideration to the preparation of his or her personal legislative program and to all steps necessary to assure the successful handling of that program.

PRIMARY AREAS OF INTERIM ACTIVITY

There are four primary areas of interim activity for the individual House member:

- g **Service on committees:** This includes participation in committee activities such as oversight of proposed agency rules, oversight of the effectiveness of previously enacted legislation, studies by committees of problems in their subject areas, and development and adoption of proposed committee legislation.
- g **Constituent communications:** This includes discussion, development of information, and possible legislative proposals related to constituent interests or problems identified by constituents.
- g **Political subdivisions and local officials:** This includes working with local governing bodies and officials in addressing their problems, including the preparation of needed legislation.
- g **Personal legislative program:** This requires the development of ideas, research, and drafts of legislation relating to the member's own particular areas of interest. The bills he or she will introduce comprise the member's personal legislative program or legislative package.

GUIDELINES

Certain guidelines must be followed to assure serious and favorable consideration of the member's proposed legislative program by the legislature. Substantive, complex legislation requires special preparation, attention, and handling. The following guidelines apply particularly to such legislation, though any bill may have aspects which require that many of the following steps be followed.

Three essential rules should be observed in the preparation and presentation of a member's program and of any bill:

- g Be **knowledgeable** of the subject matter.
- g Be **prepared**.
- g Be **organized**.

It is critical that the member fully learn the subject matter on which he

or she intends to focus, using self-education and staff briefings and research. No member can be an expert on everything and no member will be accepted or recognized as an expert on everything.

Preparation must begin in a timely manner. Complex legislation requires time for research, drafting, and familiarizing potential supporters with the provisions of the proposal.

HOW TO USE STAFF

Get to know those staff persons having expert knowledge of the subject matter and seek their assistance to develop expertise and to become as specialized in knowledge as is necessary to handle a complex bill.

- g The staff will provide objective, nonpartisan research and will try to develop the idea and draft the bill as the member instructs. It is important to **communicate the request to staff clearly. Contact staff as early as possible**, even when the idea is only in the formative stages, and further consultation with staff should occur as the member develops the idea. Staff members can provide information about the history of similar legislative proposals, suggestions for implementation, and ideas for alternative approaches.
- g **Staff does not make policy.** Although staff will try to provide as much assistance as is requested and as time permits, the bill is the member's responsibility. "Staff told me" and "staff recommended" are ineffective statements when explaining the provisions of a bill.
- g Difficult, substantive **research takes time.** Development of the legislation may require obtaining laws of other states, information from public bodies and private agencies, and coordination of information and ideas from many sources. The earlier a bill is requested, the more time the staff will have to devote to it. A bill requested too late for thorough research and drafting may generate questions, require substantial amendment, and may not be properly considered during session.

DEVELOPING LEGISLATION

There are a number of key elements to consider in developing legislation. The author should review these elements in preparing the bill itself and in obtaining the support of other members and interested groups. He or she should determine which elements apply to the bill and be fully prepared on each of them in relation to the bill. Staff can assist in obtaining information in this regard. This preparation should be completed well in advance of the session.

- g **What is the problem that is being addressed?** This is a practical statement of the actual problem that makes the bill necessary. Carefully done, this can assist the member and the drafter in removing unnecessary and unworkable provisions from the bill. It also assists the member in explaining the bill to others.

- g **Is legislation the proper approach to solving the problem?** Does the solution require a change in existing law or the granting of authority to implement the solution? Does sufficient authority exist to solve the problem by administrative action? These issues are crucial to the draft and to any explanation of the bill's importance.
- g **What does the bill do?** Does the bill go beyond the solution sought? Does the bill have unnecessary and unwanted effects? How is it to be implemented in practice? What cost impact does it have?
- g **How does the bill solve the problem?** What is the actual result of the legislation? What is the actual effect on the particular problem?
- g **Does the bill have the support of others?** Other legislators? Interested and affected groups? The provisions of the bill to which potential supporters object may be changed before the bill is introduced if the questions on this list are answered. The answers to these questions also affect other support the bill might receive.
- g **Can examples of similar solutions be cited?** Citing similar statutes used successfully to solve similar problems may attest to the workable nature of the solution.
- g **Can likely objections be answered in advance?** Careful preparation includes anticipation of probable objections or opposing arguments to the legislation and the preparation of answers, including data and information, in response to such objections and arguments. Identifying the likely opponents may be important when doing this.

The degree of development of the legislative proposal will determine how the legislator will **initiate staff efforts** in preparation of a bill:

- g **If the idea or need for legislation is formulated** and the member is ready to give instructions on drafting the bill, instructions should be clearly given to the drafter, and the drafter's questions should be answered. The author may find that factors exist (such as current law or practical requirements of implementation) which require changes in the initial approach.
- g **If the legislative proposal is only a concept**, the member needs research to determine the extent of the problem, possible alternative solutions and their implications, and specific provisions that might be incorporated in a solution. Staff can assist in formulating the questions to be answered and the kinds of factual information necessary to answer them, as well as in suggesting solutions and raising questions about details of the proposed law. The staff does

not make the decisions; the contents of the bill ultimately are the responsibility of the member.

**TO DEVELOP EFFECTIVE LEGISLATION,
A HOUSE MEMBER MUST:**

- g Begin preparation of legislation well in advance of the session.
- g Request preparation and drafting of legislation as ideas are generated; do not accumulate a number of proposals before putting the staff to work on them.
- g Give staff the time necessary to do a good and thorough job.

**MEMBER
RESPONSIBILITY**

When it is complete, it is important for the member to review the bill draft in detail. The member should ask the drafter to point out areas that differ from instructions, and why, and provisions which the drafter thinks are particularly important. The author must read the entire bill closely and ask questions about any part that is not clear. Clarity of language is a hallmark of good legislation. It will also make the bill easier to explain.

**DEVELOPING
SUPPORT
FOR THE BILL**

Presession efforts to gain support and eliminate opposition may include:

- g **Meeting with supporters** in order to generate publicity and enthusiasm for the legislation.
- g **Meeting with other legislators** interested in the subject in order to gain their assistance and incorporate their ideas. Adding co-authors to a bill is often helpful.
- g **Publicity.** Such actions as contacting interested groups, issuing press releases, and mentioning legislation in public forums will make the media and the public aware of the proposal.
- g **Floating a trial balloon** involves identifying someone affected or potentially opposed and obtaining an initial response to the idea. One possible approach is to contact the affected state agency which will be required to implement the law and ask for comments on the proposal.
- g **Anticipating and trying to work out problems.** This means identifying the likely opposition and including or removing provisions to make the legislation more palatable, or providing those opposed with information to disprove their objections.

- g **Redrafting.** If necessary to correct mistakes, to make the implementation more workable, or to answer objections of supporters or would-be opponents, the language and provisions of the bill can be rewritten.
- g **Preparing responses to the opposition.** When the opposition is identified and the arguments against the proposal known, arguments and information to refute the objections can be prepared.

HOW STAFF ASSISTS COMMITTEES AND MEMBERS DURING THE INTERIM

What Staff Can Do to Make Committees and Individual Members More Effective Between Sessions

OVERVIEW

Legislative staff provides a variety of types of assistance to legislators in the interim to aid them in their lawmaking role and in their capacities as representatives, and as overseers of the departments and programs of state government. The most effective members of the legislature take best advantage of the staff services available. Research, legislative oversight, and bill drafting services for individual members and committees are provided by House Legislative Services. The Legislative Fiscal Office and the Legislative Auditor also provide research, data, and information to members. Although the discussion below focuses on House Legislative Services staff, much of what is said also applies to other staff.

The preceding sections of this guide describe how individual House members and standing committees make effective use of the interim period between sessions of the legislature. It is the mission of House Legislative Services (HLS) to provide the kinds of staff assistance to both committees and individual members that assure productive and effective use of this time between sessions.

Staff assistance can be generally categorized as: research, legislative oversight, and bill drafting. The interim activities of both individual legislators and legislative committees require these kinds of staff assistance.

RESEARCH

Individual members and committees may request information from HLS about any matter within their legislative responsibilities. Staff research to respond to such requests for information may include:

- g **General background** – including descriptions of governmental programs, statistics, provisions of current law, and information about a problem.
- g **Specific information and data** – including information and data specific to the particular problem or programs and focused on the matter the member or committee seeks to deal with.
- g **Legislative history** – detailing prior legislative action on the subject in Louisiana.
- g **Court decisions** – reflecting the content and significance of

particular decisions as they relate to the matter under study.

- g **Federal laws or laws of other states** – including descriptions, comparisons, and in the case of federal law, requirements for state action or prohibitions on it.
- g **Alternative solutions and their pros and cons** – listing of alternative solutions to problems under study and explanation of the advantages and disadvantages.
- g **Evaluation** – including objective indicators of whether and how well governmental programs have been implemented and information about possible impact of proposals.

Such research may be handled quickly or may be in-depth, depending upon the nature of the matter under study and the time available. In many cases, staff will try to provide a written response in memorandum form in the detail required; but, if time does not permit, a quick answer based upon findings only from readily available sources can be provided by telephone, fax, or e-mail. In some cases, copies of material from other sources may be useful.

COMMITTEE STUDIES

In addition to the general research types listed above, legislative staff can play an important role for committees in the interim by preparing a proposed committee study strategy, scheduling meetings and hearings, identifying and briefing persons who can provide committee testimony, briefing committee members, preparing memoranda or research papers, outlining major alternatives, collecting and evaluating information about state agency performance, and preparing draft legislation.

HLS staffers receive training in assisting committees with making their interim studies and activities more in-depth and effective. Interim planning is a key element in a productive interim, planning not only for particular meetings, but for each interim study and the progress of the study through a series of meetings. This planning must also include a plan for the research the staff will complete and present to the committee to assist in completing the study. House standing committees submit a report to the House each year of their interim activities and the findings and recommendations of their interim studies. This usually is published by HLS as the *Interim Resumé*.

LEGISLATIVE OVERSIGHT

Legislative oversight can take many forms. While the more in-depth oversight activities which require large investments of staff time, often in the nature of program evaluations or other types of extensive studies, are usually undertaken by committees, each individual legislator can use staff to obtain good information about how and how well programs have been implemented.

Oversight-Related Questions

Examples of oversight-related questions legislators and committees may ask staff to research concerning state programs are:

- g What regulations have been proposed or adopted and what evidence is there that they are based on legislative authority and reflect legislative intent?
- g Does the organizational structure follow legislative intent? Are like programs administratively combined to the extent possible? Does the organizational structure provide for effective use and cross-use of personnel? Have changes in state needs made programs and/or organizational units obsolete? Should programs and/or agencies be combined with those of other departments or transferred to other departments?
- g What information is there on how many and what type of people have been served by the program and what is the cost per person of providing the service? What information is available to demonstrate whether the program is or is not cost-effective?
- g What measures of performance are being used by the implementing agency to determine if the program is successful? State law (*R.S. 39:31*) requires departments and agencies to revise and update a strategic plan as part of the performance-based budget process. (See *Budget Planning and Preparation* beginning on page F-9.) The plan must include specific and measurable performance indicators for the objectives included in the plan, including indicators of input, output, outcome, and efficiency.
- g What information is there that the program is successful? How does this information compare with that of other agencies and/or states which have a similar program?
- g What might be done to improve the program?

Performance audits/program evaluations

Studies of the efficiency and effectiveness of state government programs which employ objective methodologies to measure real program effects, to demonstrate in factual terms results or effects as related to program objectives, and to measure program operations and administration against objective standards are program audits or program evaluations. The legislative auditor is charged by law with program audits, program evaluations, and studies to enable the legislature and its committees to evaluate the efficiency, effectiveness, and operation of state programs and activities. The performance audit division of the legislative auditor's office has been established for this purpose. It conducts a number of program evaluations each year.

Subject to the direction of the Joint Legislative Committee on the Budget, the Legislative Fiscal Office is responsible for continuous review of programs and agency budgets, for calling attention to inefficient practices, and for performing, at the direction of either house or any committee, in-depth studies of programs.

BILL DRAFTING

Although related to session activity, most bill drafting takes place before legislative sessions. Some bills are the product of committee studies and are drafted by staff assigned to the committee working with the committee members. Most bills, however, are drafted at the request of individual members. Perhaps the most critical part of the drafting process is the request the member makes that the bill be drafted. The drafter will try to prepare the proposed law as the member requests; therefore, careful and accurate instructions are important. The drafter will assist the author in formulating his or her ideas if the proposal is only a concept when requested. In the case of a complicated bill, the author will work with the drafter to explore the legal and practical ramifications of the various options that are available and give instructions to the drafter about the direction the legislation should take. The legislator should take time to review with staff the practical effects of the legislation, who will implement it, what cost is involved, and similar considerations. The drafter will propose specific language; will try to make certain that all constitutional requirements are met, that no constitutional prohibitions are violated, and that no conflict exists with other statutes or federal requirements. Language needs to be carefully crafted to prevent possible misinterpretation, and all potential problems or loopholes which might result from the enactment of the legislation need to be considered. In short, drafting legislation of technical and substantive quality takes time, both for the drafter and the author.

EFFECTIVE USE OF STAFF SERVICES

Suggestions for the most effective use of staff services include:

- g **Plan ahead** and give staff time to do the thorough job necessary for good research and bill drafting.
- g If you have asked different staff members to work on the same issue, inform the staff that you have done so.
- g If it is possible, inform the drafter **why the information is requested or what the bill draft is intended to accomplish** – that information will be treated as confidential. All requests for research or for bill drafting are confidential until made public by the member. If the drafter knows why the bill has been requested, he or she may be able to suggest a more workable means of accomplishing the same end than that requested by the member.
- g **Discuss** the issue or problem with a staff person knowledgeable about the subject to develop a basic understanding as a first step in

research.

- g Don't hesitate to **ask for basic information** – often the basic question is critical to a clear understanding of the information wanted or the best solution to a problem.

- g **Let the staff know if the research provided was useful** or if something else is needed or would have been more helpful.

REMEMBER!!!

All requests for research or for bill drafting are confidential until the House member makes them public.

The best legislative staff work is done during the period between sessions when committees and individual members follow the principles discussed here for effective staff use. Staff and legislators have more time to give to each individual matter in this interim period than they do as the session nears. Legislators will find it beneficial to use this time – and to use staff assistance – to do the research, analysis, and evaluation necessary in order to understand problems, weigh alternatives, formulate proposed solutions, develop proposals, evaluate programs, and complete clear, thorough, and workable bill drafts.

How a Request Becomes A Bill

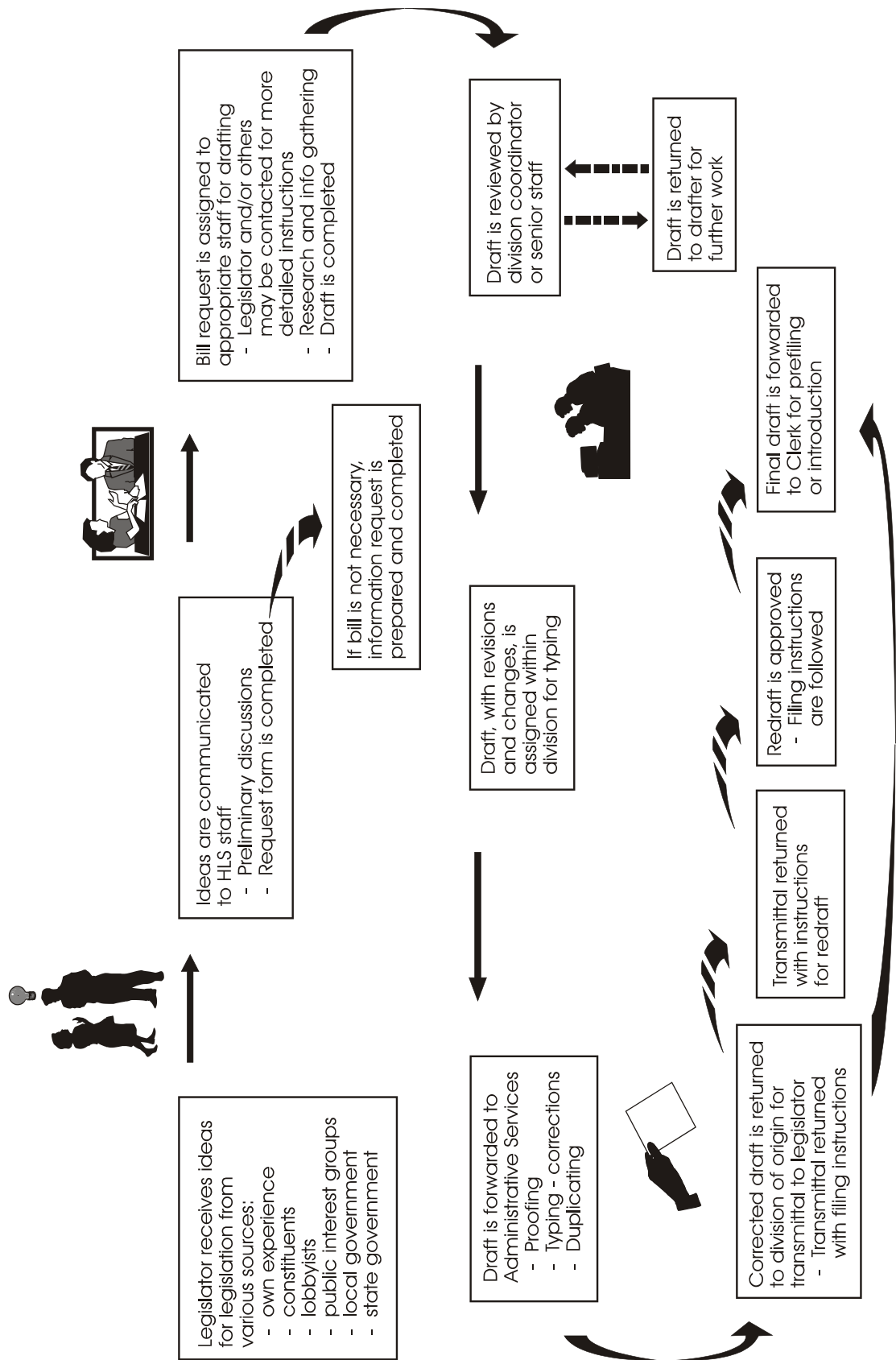


Figure 1

THE LEGISLATOR AS LAWMAKER – THE SESSION

Being Effective During Session ~ In Committee and on the Floor

Overview	E-1
Annual Regular Legislative Sessions - Key Constitutional Provisions	E-2
LEGISLATIVE DOCUMENTS AND INSTRUMENTS	E-3
Bills	E-3
Resolutions	E-4
Amendments	E-4
Versions of Legislative Instruments	E-4
Digests	E-5
Conference Committee Reports	E-5
Resumé	E-5
Study Requests	E-5
Commendations and Condolences	E-5
Journal/Legislative Calendar	E-5
Calendar/Order of the Day	E-5
LEGISLATIVE PROCEDURE - THE COMMITTEE	E-7
<i>How Committees Function in the Lawmaking Process</i>	
Referral and Recommittal	E-7
Meeting Schedule	E-7
Membership	E-7
Officers; Members	E-8
Staff	E-8
Rules; Parliamentary Procedure	E-8
Quorum and Voting	E-8
Recusal	E-8
Proxy Voting	E-9
Roll Call Votes	E-9
Public Hearings	E-9
Minutes	E-9
Scheduling Legislation	E-9
Fiscal Notes	E-9
Actuarial Notes	E-10
Order of Consideration	E-11
Author's Presence Required	E-11
Amendments	E-11
Committee Reports	E-11
Engrossments	E-13
Senate Committees	E-13
LEGISLATIVE PROCEDURE - THE FLOOR	E-15
Louisiana Constitution	E-15
Statutes	E-15
Rules of Order	E-16
Rules, Customs, and Mason's Manual	E-16
Special Topics	E-17
Additional Information	E-17

BROADCAST OF LEGISLATIVE PROCEEDINGS	E-19
STAFF SERVICES TO ASSIST THE LEGISLATOR DURING SESSION	E-21
<i>How Staff Can Help You During Session</i>	
House Legislative Services in the Legislative Process	E-21
Request for Legislation	E-21
Assignment of Request	E-21
Drafting and Digesting	E-21
Review or Checking	E-22
Proofing and Correction	E-22
Transmittal to Author; Prefiling/Introduction	E-22
Referral to Committee	E-22
Committee Hearing	E-22
Committee Staff	E-22
Fiscal and Actuarial Notes	E-23
Amendments and Redigests	E-23
The House Floor	E-23
Senate Action	E-23
Conference Committee	E-24
Bill Drafting	D-18
Effective Use of Staff Services	D-18
OTHER LEGISLATIVE STAFF IN THE LEGISLATIVE PROCESS	E-25
Office of the Clerk	E-25
Sergeant at Arms	E-25
Office of Public Information	E-25
Caucuses and Delegations	E-25
Legislative Fiscal Office	E-26
Legislative Auditor	E-26
Legislative Computer Center	E-26
Poynter Library	E-27
Docket	E-27
Legislative Bill Room	E-27
Law Institute	E-27
HOW A BILL BECOMES A LAW	E-29

THE LEGISLATOR AS LAWMAKER – THE SESSION

Being Effective During Session ~ In Committee and on the Floor

OVERVIEW

The legislator's role during the session is to carry out the lawmaking function of the legislative branch. The responsibility of the legislature to formulate policy is the legislative role first declared by the founding fathers. The Legislature of Louisiana exercises the power of the citizenry. The legislature may enact any law not specifically prohibited by the state or federal constitution or preempted by federal law.

Floor debate and voting on legislation during a session are the traditional roles perceived for legislators. Today, the legislator's role during session involves far more and is far more visible, as technology and the media have opened the legislative process to wider public access.

A chart which summarizes significant constitutional provisions governing legislative sessions introduces this Part. Areas of particular importance during a legislative session, all of which are explained more fully in the following pages, are:

g **Legislative Instruments and Documents**

Various official documents are used in the course of legislative business during a legislative session. The name of each document and a general description of each are provided.

g **Legislative Procedure in Committees**

The committee system is explained, together with the role of committees in the legislative process. Also included are the roles members and staff play, an explanation of parliamentary procedure in committee, and public access to hearings.

g **Legislative Procedure on the House Floor**

A discussion of legislative procedure used by the House to accomplish debating and voting on instruments is included.

g **Broadcast of Legislative Proceedings**

How the House provides broadcasts of committee and floor proceedings is discussed.

g **Staff Services to Assist Legislators during a Session**

The services offered members by the various components of the legislative staff, including research, bill drafting, fiscal information for members and committees, media and constituent services, and administrative support, are detailed.

Annual Regular Legislative Sessions ~ Key Constitutional Provisions

Provision	Regular Sessions Even-Numbered Years	Regular Sessions Odd-Numbered Years
When session convenes	Noon, last Monday in March	Noon, last Monday in April
Maximum session length	60 legislative days in 85 calendar days	45 legislative days in 60 calendar days
Subject matter limitations	Prohibition on introducing or enacting any measure levying or authorizing a new tax or a tax increase by the state or by a statewide political subdivision or legislating with regard to tax exemptions, exclusions, deductions, or credits	Prohibition on introduction or consideration of measure having effect of law (including suspension) unless its object is to enact a general appropriations bill, enact the comprehensive capital budget, make an appropriation, levy or authorize a new tax, increase an existing tax, levy, authorize, increase, decrease, or repeal a fee; dedicate revenue; legislate with regard to tax exemptions, exclusions, deductions, reductions, repeals, or credits, or legislate with regard to the issuance of bonds. Restrictions do not apply if: (1) The matter is prefiled by the prefiling deadline (this exception is limited to five of such matters per member per session); or (2) The object of the matter is to enact a local or special law which is required to be and has been advertised in accordance with Const. Art. III, Sec. 13 and is not prohibited by Const. Art. III, Sec. 12
Number of bills member may introduce	Five, unless prefiled by prefiling deadline ¹	Five, unless prefiled by prefiling deadline ¹
Deadline for prefiling of bills (Does not apply to constitutional amendments)	5 p.m. on the 10th calendar day prior to 1st day of session (Constitutional amendments must be prefiled at least 10 days before session)	5 p.m. on the 10th calendar day prior to 1st day of session (Constitutional amendments must be prefiled at least 10 days before session)
Deadline for bill introduction (Does not apply to constitutional amendments) (Bill introduction after deadline not permitted)	6 p.m. of the 23rd calendar day (Constitutional amendments must be prefiled at least 10 days before session)	6 p.m. of the 10th calendar day (Constitutional amendments must be prefiled at least 10 days before session)
Deadline for 3rd Reading/Final Passage	6 p.m. of 57th legislative day or 82nd calendar day whichever occurs first (Except by 2/3 vote of both houses)	6 p.m. of 42nd legislative day or 57th calendar day whichever occurs first (Except by 2/3 vote of both houses)
Time of adjournment sine die	6 p.m., if on 85th calendar day; <i>Midnight</i> , if prior to 85th calendar day	6 p.m., if on 60th calendar day; <i>Midnight</i> , if prior to 60th calendar day

¹ Exceptions permitted by joint rule. Joint Rule No. 18 provides that the following bills are not subject to five-bill limit: general appropriation bill; judicial branch appropriation; legislative branch appropriation; capital outlay bill; omnibus bond authorization bill; supplemental appropriations bill; revenue sharing bill; ancillary funds bill.

LEGISLATIVE INSTRUMENTS AND DOCUMENTS

The following are the names and brief descriptions of various legislative instruments and documents. Additional information regarding their uses is covered in other portions of this guide.

BILLS

Bills are instruments proposing changes in either statutory law or the state constitution.

- g A bill designated as a **Joint Resolution** proposes to change the constitution by adding new provisions or by amending or repealing existing provisions. It requires the favorable vote of 2/3 of the members of each house for final passage and subsequent placement on the election ballot. It is not subject to veto by the governor.
- g A bill designated as an **Act** proposes to enact new statutory law or to amend or repeal existing law.
- g A **local bill** is one which would apply only in a limited area, such as a designated parish, municipality, or political subdivision. The constitution prohibits the enactment of a local law unless notice of intention to introduce a bill to enact such a law has been published in the official **journal of the locality** to be affected on two separate days at least 30 days prior to introduction of the bill.
- g A **retirement bill** is one which would change the law relating to any retirement system for public employees. Notice of intention to introduce such a bill must be advertised in the official **state journal** twice at least 30 days prior to introduction. An actuarial note prepared by the legislative auditor's office must accompany the act or joint resolution to provide legislators with a reasonably accurate estimate of cost to the state or affected system.
- g A **substitute bill** (including a joint resolution) is a new bill reported by a committee to substitute for a bill on the same subject matter.
- g A **duplicate bill** is a bill (including a joint resolution) which originates in one house and has been determined upon comparison to be "exactly like" or "substantially similar" to another instrument introduced in the other house. Authors must consent to having their bills designated as duplicates. Usually only the bill farthest along in the legislative process, once the duplication is identified and agreed to, is advanced.
- g The **general appropriation bill** is itemized and contains only appropriations for the ordinary operating expenses of the executive branch of state government. The **capital outlay bill** contains the projects in the comprehensive state capital construction program.

RESOLUTIONS

Resolutions are designated **concurrent** when they are considered by both houses of the legislature and are designated **simple** when considered by only one house. Except for a concurrent resolution which suspends a law, a resolution does not have the force and effect of law.

- g A **concurrent resolution** is used for a matter of interest to both houses and may originate in either the House of Representatives or the Senate. It may be used to express the sentiment of the legislature, to "urge and request" agency action, to establish certain joint committees, or to provide for joint rules of procedure.
- g A **suspension resolution** is used to suspend a law for a fixed period of time. It is subject to many of the procedures and formalities required for the enactment of the law, but it is not subject to veto by the governor.
- g A **simple resolution** is used to provide for rules of procedure or to address some other matter of interest to only one house.

AMENDMENTS

An amendment is a device for changing the wording of a bill or resolution. An amendment proposed by a committee of a house is designated a **committee amendment**, and an amendment proposed by an individual legislator when the full house is in session is designated a **floor amendment**.

VERSIONS OF LEGISLATIVE INSTRUMENTS

Legislative instruments are given the labels of **original**, **engrossed**, **reengrossed**, **re-reengrossed** or **enrolled** to indicate their status during the course of a session.

- g The **original** bill or resolution means the form of the instrument at the time of its introduction. Following a favorable action on a bill by a committee in the house of origin, it is ordered by the full house to be **engrossed** and passed to third reading. If a bill is amended on the floor, it is ordered **reengrossed**. After a bill has been reengrossed, if it is amended again in the house of origin, it will be **re-reengrossed**. This happens most often when house committee amendments from two different committees have been added and then floor amendments are adopted. (In some instances a bill may be reengrossed prior to third reading and final passage.) When an instrument is ordered to be engrossed or reengrossed, it is retyped to incorporate any amendments which have been adopted by the house of origin. A bill or resolution is not reengrossed to incorporate amendments in the second house.
- g The final version of an instrument which has been passed by both houses, or by the one house in the case of a simple resolution, is the **enrolled** version; and it incorporates all amendments which have been adopted during the process. If an enrolled bill is approved by the governor, it becomes an **Act** and is given an Act number by the secretary of state.

DIGESTS

A digest is a summary of the contents of a bill or resolution. The digest is prepared by the staff, usually in a form which states the existing law and the changes proposed by the instrument. For the sake of easy reference, it is printed at the end of the instrument; but it is not actually a part of the legislation. The digest also contains a summary of substantive amendments which have been adopted.

CONFERENCE COMMITTEE REPORTS

This document, used when the house of origin does not concur in the amendments to an instrument from the second house, is essentially a proposed compromise between the chambers as to how a legislative instrument will finally be adopted. It includes a statement of those amendments in the second house to be accepted and those to be rejected and any additional proposed amendments. Rules determine the three conferees representing each house who determine the final language of an instrument to be approved by a majority of each house (2/3 for joint resolutions).

RESUMÉ

The Resumé is a compilation of digests of Acts, Resolutions, and enrolled bills vetoed by the governor, together with tables and other statistical data, for an entire legislative session.

STUDY REQUESTS

An instrument requesting a committee study during the interim between legislative sessions is called a study request and, like a resolution, may be a **simple** study request, if it concerns a committee of only one house, or a **concurrent** study request, if it concerns committees of both. Study requests are circulated on lists periodically during the session and are approved if not objected to by one-third of the membership of the house in question. Study requests are used only to request studies by standing committees. Resolutions sometimes request special studies.

COMMENDATIONS AND CONDOLENCES

Commendations or congratulations and other tributes may be expressed by either or both houses in the form of a printed certificate upon the request of one or more members and processed through the clerk or secretary of his respective house. Resolutions are used to express condolences and may be used for commendations.

JOURNAL/ LEGISLATIVE CALENDAR

Each house keeps a daily journal of its floor proceedings, including record votes, and compiles a final version for an entire session. The Legislative Calendar publication contains a listing of all House and Senate bills and resolutions in numerical order and a listing of the actions taken on each in chronological order, referenced to Journal entry.

CALENDAR/ORDER OF THE DAY

The term "calendar" also refers to the listing of instruments which are pending in either house at a given time. Bills are listed in the order in which they may be taken up for consideration under the rules of the particular house. In general usage, it usually refers to instruments on third reading and final passage, i.e., the regular calendar, local and

consent calendar, and major state calendar. The Order of the Day in the House is a document prepared daily by the office of the clerk, organized according to the usual order of business and listing each instrument in the appropriate order in which it may be acted upon. The Senate Order of the Day, prepared by the Senate Secretary, is similar.

LEGISLATIVE PROCEDURE – THE COMMITTEE

How Committees Function in the Lawmaking Process

The role of the committee in screening legislation during the session, particularly the respective roles of its officers, members, and staff and of authors, proponents, and opponents of legislation before the committee, is discussed below. Additional information on this topic can be found in the *Rules of Order of the House of Representatives* and in *Quick Guide to Committee Procedure in the Louisiana House of Representatives*.

REFERRAL AND RECOMMITTAL

The session work of the House is divided among its 17 standing committees, permanent committees which have subject matter jurisdictions as prescribed in the rules of the House. During session, all legislation, except perfunctory resolutions and, in some cases duplicate Senate Bills, is referred to committees by the speaker based upon this jurisdiction. Some instruments are required to be recommitted to a second committee after the first committee hearing: proposed constitutional amendments are recommitted to the Civil Law and Procedure Committee; the Capital Outlay Bill, the concurrent resolution to adopt the Minimum Foundation Program formula for school systems, bills creating special funds or amending the law relative to a special fund, and Senate Bills with a fiscal cost of \$500,000 or more are recommitted to the Appropriations Committee; Senate Bills with an impact on fees or taxes in excess of \$500,000 are recommitted to the Ways and Means Committee; and resolutions relative to committee studies and instruments providing exceptions to the laws relative to public records are recommitted to the House and Governmental Affairs Committee (*House Rules 6.5, 6.6, and 6.8*).

MEETING SCHEDULE

Each committee holds its hearings on legislation according to a uniform meeting schedule (certain day(s) of the week) and is assigned a permanent meeting room for its hearings. House Rule 6.7 designates committees as "Morning," "Afternoon," or "Weekly" committees. Traditionally, they meet as follows: Morning committees on Mondays and Tuesdays, Afternoon committees on Wednesdays and Thursdays, and Weekly committees on Fridays, but this schedule is sometimes changed.

MEMBERSHIP

Each committee, except Appropriations, is limited to 18 members, excluding the chairman. The membership of the Appropriations Committee is specifically provided for in the rules. No member may serve on more than three standing committees or more than one committee which meets regularly at the same time (*House Rules 6.3 and 6.4*).

**OFFICERS;
MEMBERS**

The officers and members of each House committee are appointed by the speaker, except for those members of the Appropriations Committee who are elected by the membership of the House from congressional districts (*House Rules 6.3 and 6.4*).

The duties of the chairman include: deciding the agenda of all committee meetings; calling and presiding at such meetings; explaining rules of order and deciding points of order; allocating the time available in an equitable manner among persons testifying before the committee; recognizing committee members for questions and motions; and overseeing preparation of committee reports on legislative instruments. The vice chairman carries out the duties of the chairman in his absence.

The rights and duties of committee members include: attending all committee meetings; participating freely in committee discussions and debates; offering motions and asserting points of order; questioning witnesses; and offering amendments to and voting upon any legislative instrument before the committee (*House Rules 14.2, 14.3, and 14.6*).

STAFF

Committee staff is comprised of one or more legislative analysts or attorneys and a committee secretary. During sessions, a committee clerk is hired to assist with meeting preparations.

The duties of the legislative analyst or attorney include: reviewing all legislative instruments to be considered by the committee; preparing necessary amendments, background materials, and analyses of such legislation; and compilation of committee reports.

The committee secretary is generally responsible for preparation of committee minutes and completion and maintenance of all committee documents and files. The committee clerk helps organize committee materials for meetings.

**RULES;
PARLIAMENTARY
PROCEDURE**

Committee proceedings are governed by uniform rules of committee procedure as stated in the House Rules. A committee may also adopt supplementary rules to govern its procedure. Generally, parliamentary procedure in committee is less formal than that required on the House floor (*House Rule 14.1 and Chapter 14 of the House Rules*).

**QUORUM
AND VOTING**

Presence of a quorum, that is a majority of the current membership of a committee, is required for a committee to transact business and to take official action on a matter. Except as otherwise provided by the constitution or rules, approval of a motion requires a majority of the quorum present and voting (*House Rules 14.36, 14.38, and 14.40*).

RECUSAL

A committee member may recuse himself from all proceedings relating to any question in which he believes he has a conflict of interest. Members recused are not counted in determining the number required for a quorum. (*House Rules 14.9 and 14.40*).

PROXY VOTING

Proxy voting by a committee member is not allowed, nor may any member vote on a matter if he was not in the committee room before the vote was announced by the chairman (*House Rule 14.42*).

ROLL CALL VOTES

Votes on bills, and votes on amendments to which an objection is raised, are taken by roll call. Any other vote is taken by roll call if demanded by any member. All roll call votes are record votes. They appear in the records of the committee. (*House Rule 14.43*).

PUBLIC HEARINGS

The Louisiana Constitution requires that a committee hold a public hearing and report on a bill before it is considered for final passage. (*Article III, Section 15*).

The constitutional requirement for a public hearing is satisfied by due notice of the committee meeting given within the time limits prescribed by the House Rules, opportunity at the meeting for interested persons to appear before the committee to testify for or against proposed legislation, and all votes being taken in meetings open to the public (See *Article III, Section 15; House Rules 14.11, 14.23, 14.24, 14.25, 14.26, 14.27, 14.28, 14.29, and 14.32* and applicable provisions of *R.S. 42:4.1 et seq.*).

Under *Joint Rules of the Senate and House*, a duplicate bill is not required to be referred to, heard by, or reported by a committee in the second house if the committee has already reported identical or substantially similar legislation (*Joint Rule 5*).

MINUTES

Minutes of each committee meeting are kept as a public record (*House Rules 14.47 and 14.48*. See also *R.S. 42:7.1 and 7.2*). The House also maintains audio recordings of committee meetings.

SCHEDULING LEGISLATION

Exact procedures for scheduling legislation to be heard by a committee vary among committees. Committee staff should be contacted for the scheduling system of that committee. Committee staff is also available to assist any member with legislation to be heard by the committee, including notifying interested persons, preparing amendments, and insuring the member's presence when the instrument is heard.

FISCAL NOTES

Joint Rule No. 4 requires that a fiscal note be prepared by the legislative fiscal office for a committee to consider bills and joint resolutions: (1) affecting receipt, expenditure, allocation, or dedication of \$100,000 or more of state funds; (2) authorizing issuance of general obligation bonds of the state; (3) concerning federally funded programs involving expenditure of \$100,000 or more of state funds; (4) providing a minimum or maximum mandatory prison sentence; or (5) affecting receipt, allocation, or dedication of any political subdivision's funds.

A fiscal note prepared by the Legislative Auditor is also required for a committee to consider bills and joint resolutions: (1) affecting receipt, expenditure, allocation, or dedication of funds of state entities to which

state funds are not appropriated; (2) affecting expenditure of a political subdivision's funds; or (3) concerning federally funded programs involving expenditure or allocation of any political subdivision's funds.

The instrument's author, the chair of the committee to which the bill is referred, or the chief clerical officer of either house is responsible for obtaining these notes. Prior to prefiling or introduction, when a bill draft is transmitted by the staff to the author, the author is requested to provide written instructions to the House Clerk concerning a fiscal note. If the author requests a fiscal note the clerk will order one for him, or if instructions are not received within seven days, a copy of the instrument is sent to the clerk who will order a fiscal note if he determines one is necessary. The clerk also may order a fiscal note for any bill prefiled or introduced.

Fiscal notes must show a reliable estimate of the fiscal effect of the measure. Also, if a committee reports a measure with any amendment that alters the fiscal effect, the committee chair must request a revised fiscal note.

ACTUARIAL NOTES

R.S. 24:521 requires that, at the time of consideration in committee of a bill or resolution proposing any change in the law relative to any state, parochial, or municipal retirement system funded in whole or in part by public funds, an actuarial note must be attached to the instrument. The note is to provide a reliable estimate of the financial and actuarial effect of the proposed change in any such retirement system. The legislative auditor is responsible for preparation of actuarial notes and the legislative actuary is the person on the auditor's staff who performs this function.

When the HLS staff transmits a draft of a retirement bill to the author for his review, a memo will be attached advising that the bill may require an actuarial note and that the author may instruct the House Clerk either to obtain or not to obtain an actuarial note. If the author instructs that no actuarial note be obtained, no request for an actuarial note will be made prior to the prefiling or introduction. However, if no written instruction is received within seven days, the clerk may request an actuarial note at any time prior to prefiling or introduction, giving due consideration to the recommendation of the staff. In addition, at prefiling or introduction, the clerk may request an actuarial note, and the chairman of the committee to which the bill is referred may request an actuarial note immediately upon referral of the bill or resolution. When a committee reports any legislative instrument to which an actuarial note was attached at the time of committee consideration with any amendment that would substantially affect the costs to or the revenues of any retirement system as stated in the actuarial note, the chairman of the committee reporting such instrument is responsible for obtaining an actuarial note on the change proposed by the amendment. In addition, when a floor amendment is offered that would substantially affect the cost to or the revenues of any retirement system as stated in

the most recent actuarial note and the member proposing such amendment does not present an actuarial note on his proposed amendment, any member may offer a motion that the proposed amendment be withdrawn. If the motion is adopted by the favorable vote of a majority of the quorum present the amendment is withdrawn, but the amendment may be proposed again at any time it would otherwise be in order, provided that the required actuarial note is presented at that time.

R.S. 24:521(E) requires that prior to prefiling (prior to introduction if the instrument is not prefiled), the subject matter of bills or resolutions submitted to the legislative auditor for preparation of actuarial notes must be kept in strict confidence, and no information relating thereto or relating to the fiscal or actuarial effect of any such instrument shall be divulged by the legislative auditor or any of his employees, except to: the instrument's author(s); the House Clerk for House instruments and Senate Secretary for Senate instruments; the legislative fiscal officer and his staff. The same law also provides that after prefiling (after introduction if an instrument is not prefiled), copies of the actuarial note must be furnished to the author, the House Clerk for House instruments and Senate Secretary for Senate instruments, and the committee to which the instrument is referred. Actuarial notes which are no longer confidential are available on the Internet (with bill history) and in Legislative Assistant (a computer application available to members on their laptop computers).

ORDER OF CONSIDERATION

The order of consideration of legislative instruments scheduled to be heard at a committee meeting generally follows that listed in the committee notice and agenda for that meeting, but the committee may alter the order of consideration of such instruments or defer action on any of them. The agenda must adhere as closely as possible to the matters listed in the meeting notice and the meeting notice may not include any instrument not included on the committee's weekly committee schedule unless the rules are suspended. (*House Rules 14.23 and 14.30*).

AUTHOR'S PRESENCE REQUIRED

Committees are prohibited from taking up a House bill or instrument unless its author or coauthor is present or has given written consent to allow the bill to be taken up in his absence (*House Rule 14.12*).

AMENDMENTS

Although the author of a bill may present amendments to it for consideration, amendments must be formally offered for adoption by a committee member (*House Rule 14.7*).

COMMITTEE

It is the duty of the committee to consider the merits of a legislative instrument and determine whether to report it to the House as a part of its committee report.

REPORTS

Neither the constitution nor the House Rules require a committee to report every legislative instrument referred to it. However, legislative instruments prefiled and voted on by a committee during the interim must be reported in the same manner once they are formally introduced during the session unless otherwise authorized by the House. (*House Rule 6.11(B)(3)*) (See *The Committee System – The Interim Between Sessions* beginning on page D-3.)

Legislation not reported by committee, including any instruments which the committee votes to defer, is said to have “died in committee.”

The report of a legislative instrument must be affirmatively adopted by a majority of the quorum of the committee present and voting. Failure to adopt any report simply means the instrument remains in the committee (*House Rule 6.9*).

COMMITTEE REPORT

A committee may report a legislative instrument in only one of the following ways:

- g Favorably*
- g Unfavorably*
- g With amendments
- g Either favorably, with amendments, or without action with recommendation that it be recommitted to another committee
- g By substitute (substituting a different bill on the same subject).

*No amendments are included in the report.

(*House Rule 6.11*)

The contents of the committee report are: the report of the committee on each legislative instrument upon which the committee took action at the meeting, including the vote by which the report on the instrument was decided; the committee’s recommendation on whether the instrument should be placed on the regular, local and consent (noncontroversial), or major state calendar of the House; recommendation for consideration in Special Order of the House, if the committee has so voted; designation of a bill as a “duplicate,” if the committee has so voted; and any amendments recommended by the committee. The report does not state any reasons for the actions taken by the committee.

Committee reports are advisory only and must be approved by the membership of the House. Although adoption of committee reports is usually routine, a committee report is occasionally challenged on the House floor in an attempt to “override the committee”. Adoption of a motion that would have the effect of rejecting the committee report, except a motion to recommit, to postpone indefinitely, or to withdraw from the files of the House, requires the favorable vote of a majority of the elected members of the House (*House Rule 6.11*).

ENGROSSMENTS

Upon adoption of the committee report, any committee amendments to a legislative instrument become part of that instrument. The process of incorporating the amendments into the instrument is called "engrossment," and the instrument itself is said to be "engrossed" for consideration by the full House (*House Rule 7.8*).

SENATE COMMITTEES

Senate committees operate in a manner similar to House committees; however, some differences do exist. The *Rules of Order of the Senate* should be consulted.

LEGISLATIVE PROCEDURE – THE FLOOR

The purpose of legislative sessions is to allow elected representatives the opportunity to propose, debate, and vote on legislative instruments. The rules of parliamentary procedure exist as guidelines controlling the progress of legislation, the legislative process, and the debate and voting by representatives. The guidelines control what is debated and voted on, when the debates and votes take place, and how the debates and votes are conducted. These rules of parliamentary procedure are contained in five sources listed below in relative order of importance and precedence.

- g *The Louisiana Constitution*
- g *The Louisiana Revised Statutes*
- g *The Rules of Order of the House of Representatives and Joint Rules of the Senate and House of Representatives*
- g Custom, Practice and Usage of the House of Representatives
- g *Mason’s Manual of Legislative Procedure*

LOUISIANA CONSTITUTION

In Article III, the constitution sets out the basic requirements for passage of a legislative Act. These are eight in number, as follows:

- g Introduction during the session.
- g Single object and title indicative of that object.
- g Reading of the instrument at least by title on three separate legislative days in each house.
- g Public committee hearing and report.
- g All actions to be taken in open public meetings.
- g Favorable vote by at least a majority of the elected members of each house.
- g Record vote on final passage.
- g Concurrence in amendments and conference committee reports by record vote of same number required to pass the bill.

These requirements *cannot* be altered or suspended. Failure by either body to follow these requirements renders a bill null as unconstitutional.

STATUTES

Louisiana’s statutes generally do not govern procedure during sessions as such. However, the statutes do provide procedures for certain legislative functions, including procedures for the legislature to call itself into extraordinary session, oversight of agency rules, “sunset” review of departments and procedure for adoption of laws re-creating agencies and departments, voting by mail ballot on certain matters between sessions, requirements for public notice of introduction of certain legislation, and the powers and duties of joint legislative committees created by statute or by concurrent resolution.

RULES OF ORDER

Rules of the House of Representatives are adopted solely by the House; the Senate has its own separate rules. The rules control the daily workings of the House and especially the process by which bills proceed from introduction to final passage. This process takes a bill through a series of “Orders of Business.” These “Orders” are numerically differentiated and represent each parliamentary step between introduction and final passage. Each different type of instrument, i.e., bill or resolution, has its separately designated “Orders.” These “Orders” are divided into the Morning Hour and the Regular Order. The Morning Hour contains all of the orders preliminary to final passage; the Regular Order contains the orders for final passage, concurrence in amendments, and consideration of conference committee reports. These orders are listed in House Rules Nos. 8.1 and 8.2.

The Rules of Order also prescribe various procedural motions that members may make. Those commonly made during a legislative session are found in Chapter 9 of the rules, which, while not an exclusive listing, explains the most common motions.

House Rule 9.5 sets out the precedence of certain motions. When one of these nine motions has been made, only a motion of higher precedence is in order to be considered in advance of the original motion. For example, if a member moves to table a matter, another member may not move the previous question (lower order), but may move to return the bill to the calendar (higher order).

Rules of Order may be altered or suspended. To alter the rules, the body must adopt a resolution amending the rules. To suspend the rules, a member simply moves to suspend the rules to do a certain thing. With the concurrence of two-thirds of the members present and voting, the rules are suspended.

The Joint Rules of the Senate and House of Representatives govern the holding of joint sessions, the functioning of joint committees, fiscal notes, procedures for passage of duplicate bills, and limitations on the introduction and consideration of bills.

RULES, CUSTOMS, AND MASON’S MANUAL

These three sources embody Louisiana’s parliamentary procedure. When the rules are silent, the House reverts to its customary practice to govern proceedings. If no custom exists, then and only then will the House consult *Mason’s Manual of Legislative Procedure* to determine the appropriate procedure. Mason’s is seldom relied upon, because the House has well-developed rules and customs.

The purpose of parliamentary procedure is to allow the body to perform its work of proposal, debate, and voting within an orderly framework. Parliamentary procedure should be designed and implemented to facilitate that purpose. The simplest procedure or solution to a parliamentary question which leads to a furtherance of the purpose is always the preferred one.

SPECIAL TOPICS

Introduction Deadlines (*Const. Art. III, §2*). Members may prefile any number of bills until 5:00 p.m. of the tenth calendar day preceding a regular session. Thereafter, no member may introduce more than five bills, except as provided by the joint rules of the legislature (*Joint Rule 18*). Constitutional amendments must be prefiled at least 10 days prior to a regular session but may be prefiled or introduced within the first five days of an extraordinary session (*Const. Art. XIII, §1*). In a regular session in an even-numbered year, no bill may be introduced after midnight of the twenty-third calendar day; in an odd-numbered year, the deadline is midnight of the tenth calendar day. There is no such deadline for bill introduction in an extraordinary session, except for constitutional amendments as noted above.

Prefiling (*Rule 7.2*). Most bills are prefiled before the session convenes. A prefiled bill will be provisionally referred to a committee and may be debated in the committee prior to session. (See *The Committee System – The Interim Between Sessions* beginning on page D-3.) These bills are introduced on the first day of the session and re-referred at that time.

Advertising (*Const. Art. III, §13 and Article X, §29*). Local bills and bills affecting the retirement systems must be advertised prior to introduction. The advertisements must be published twice, the last time at least 30 days prior to introduction. (See *Local Bill* and *Retirement Bill* on page E-3.)

Subject matter limitations (*Const. Art. III, §2*). The constitution dictates the types of subject matters that the legislature may consider in odd-numbered and even-numbered years, respectively. (See *Annual Regular Legislative Sessions - Key Constitutional Provisions* on page E-2.)

ADDITIONAL INFORMATION

Additional information about House Floor procedure can be found in the House publication *Quick Guide to Floor Procedure in the Louisiana House of Representatives*.

BROADCAST OF LEGISLATIVE PROCEEDINGS

The House of Representatives utilizes state of the art audio and video systems for its committee rooms and chamber. As presently configured, the proceedings are available in several formats, both to persons in the Capitol and to the general public.

AUDIO

Through directly wired audio stations in the Capitol, persons may listen to live House and Senate committee proceedings, as well as live audio from the House and Senate chambers. In addition, the state's Office of Telecommunications Management (OTM) provides a dial-up subscription service that allows subscribers to listen to committees and the chambers using speaker telephones.

VIDEO

Three video services are produced by the House. First, closed circuit television (CCTV) coverage of the House committee rooms and chamber, as well as the Senate chamber and certain Senate committee rooms, is provided in the Capitol building. This system includes the press offices, as well as anyone in the Capitol complex subscribing to the local cable television service. The legislative channels are also provided to the members' desks in the House chamber.

Second, either a live or tape-delayed broadcast is provided to many cable television systems in the state through a cooperative effort with Louisiana Public Broadcasting (LPB) and the Louisiana Cable Telecommunications Association. The signals originating from the Capitol are distributed by LPB via satellite to the cable systems during a four-hour time block each legislative day. These systems may air the signals when received or tape them for later broadcast.

Third, all committee and chamber proceedings of the House of Representatives are available live on the Internet through the House of Representatives home web page (<http://house.louisiana.gov>). This service uses streaming audio and video technology to allow anyone connected to the Internet to see and hear the proceedings. Similar services are provided by the Senate. The House proceedings are also archived on the House's Internet server so that persons may view a meeting or chamber session any time after the event.

STAFF SERVICES TO ASSIST THE LEGISLATOR DURING SESSION

How Staff Can Help You During Session

The following is an outline of staff assistance available to House members throughout the process of legislating, from the initial request for legislation to enacted law.

House Legislative Services in the Legislative Process

REQUEST FOR LEGISLATION

The process of legislating begins when a member requests that a legislative instrument, a bill or resolution, be prepared by House Legislative Services (HLS). The member may contact any HLS staff member to make a drafting request.

ASSIGNMENT OF REQUEST

The appropriate HLS division director will make every effort to assign the request to a member of the staff who has experience with the particular subject matter area and whose primary assignment is to staff the standing committee to which the final instrument is likely to be referred by the speaker. The 17 standing committees of the House of Representatives are divided among the five research divisions of the House staff. (See *House Legislative Services* beginning on page A-7.) (See *House Rule 6.6* for committee subject matter.)

DRAFTING AND DIGESTING

The drafter will not only draw from his own training and experience, but will have the benefit of the experience of other members of the staff of his division and other divisions of House Legislative Services, as well as the Poynter Library. Subject to the rules of confidentiality, the drafter may also take advantage of information or expertise available from the staffs of the House Clerk, the Legislative Fiscal Office, the Louisiana State Law Institute, the Attorney General's Office, the Legislative Auditor, the appropriate executive department, or any other governmental agency or private organization, including sources in other states or such national organizations as the National Conference of State Legislatures (NCSL).

The drafter will make every effort to insure that the bill achieves the intent of the author and that the proposed changes in law are properly integrated into present law. It is the drafter's duty to explore and raise questions of constitutionality, practicality, and policy regarding the implementation of the request, but it is the province of the legislator to decide such questions. To that end, it is highly desirable that a free flow of information exist between the drafter and requestor or the drafter and someone with whom the requestor authorizes communication. Communication of sensitive information to a drafter should not be a concern to the requestor, since the staff operates under a rule of strict confidentiality that provides that legislative requests are confidential between the legislator and the staff.

In addition to the draft of the requested legislation, the drafter also will prepare a “digest” or explanation of the contents of the legislative instrument.

**REVIEW
OR CHECKING**

Next, a senior drafter, usually a division director, will review the work of the drafter to insure that the draft satisfies the requestor’s purpose and is substantively and technically correct. The reviewer may suggest changes to improve the draft.

**PROOFING
AND CORRECTION**

After being checked, the instrument is forwarded to the Administrative Services section of HLS for proofreading and correction of technical errors and for final printing and processing for transmission to the author.

**TRANSMITTAL
TO AUTHOR;
PREFILING/
INTRODUCTION**

If the instrument is drafted prior to the session in time for prefiling, it is transmitted to the author in his district office. At this point, the author may ask the staff to make changes or to redraft the bill. If the bill is requested too late for prefiling, it will be transmitted to the author on the House floor during a session for introduction by the author. In any event, it is the author who authorizes prefiling the instrument or authorizes the filing of the instrument with the clerk for introduction. When a bill is prefiled or introduced it is given a number, becomes public, and copies are available. It is also available on the Internet. After prefiling (or introduction if not prefiled), all versions of the bill through the process are available on the legislature's website (www.legis.state.la.us) and are available to House members through the Legislative Assistant program on their laptops.

**REFERRAL
TO COMMITTEE**

Following the prefiling or introduction of the instrument, it is referred to one of the 17 standing committees in accordance with the House Rules governing subject matter jurisdiction of committees. With the benefit of committee staff assistance, the chairman may decide to schedule the instrument for hearing at an appropriate point in the session or may schedule only those instruments for which the author has requested a hearing. (See *House Rule 6.10*.) The committee secretary, with the assistance of the committee clerk, will notify the author of an instrument concerning a proposed hearing date.

**COMMITTEE
HEARING**

Formal notices for all session committee hearings are posted in various public locations and on the Internet, and reasonable efforts are made by the committee secretary and committee clerk to notify any person who has requested notice of the committee hearing on specified instruments.

COMMITTEE STAFF

The committee staff usually is composed of one or more legislative analysts or attorneys, a secretary, and (during session) a clerk, and is supported by other staff members of the division and its administrative secretary and division director. The committee legislative analysts or attorneys are available to provide research and information not only to

the committee members but to any other House member and to prepare amendments for instruments referred to the committee. The more advance notice the staff has for needed research or preparation of amendments, the better the system works. This is particularly true for complex, major, or controversial instruments, including the general appropriation bill.

FISCAL AND ACTUARIAL NOTES

It is at this point that a fiscal note (estimating the fiscal impact of the proposed legislation (*Joint Rule 4*)) or an actuarial note (estimating the actuarial effect in the case of a bill affecting retirement (*R.S. 24:521 and House Rule 7.17*)) may be required by a committee under certain conditions. (See *Fiscal Notes* beginning on page E-9 and *Actuarial Notes* beginning on page E-10.) The process for requesting a fiscal note begins as soon as the bill is transmitted when the author is advised whether the staff believes that a fiscal note is necessary and asked to advise the clerk in writing whether he wishes to request a fiscal note or not. If the author requests a fiscal note the clerk will order one for him. If the author's instructions to the clerk are not received within seven days, a copy of the bill is sent to the clerk who orders a fiscal note if he determines one is necessary. After a bill is prefiled or introduced, the clerk and the chair of the committee of referral have authority to request the preparation of a fiscal note. The process of requesting an actuarial note is similar.

AMENDMENTS AND REDIGESTS

Following the hearing, the legislative analyst or attorney will insure that all committee amendments are in proper order and will revise the digest of the instrument to reflect the changes contained in the committee amendments and include a list of changes proposed by the committee amendments for use in House Floor action. The amendments and redigests are reviewed by the division director. The committee secretary will prepare the committee's report to the full House.

THE HOUSE FLOOR

Prior to the expected day of floor debate and action on a legislative instrument, the committee staff for the committee that reported the instrument is available to assist with the gathering of information or preparation of floor amendments. On the day of expected floor debate and action, a request for floor amendments should be made to the staff on floor amendment duty in the amendment room in the southeast corner of the House Chamber.

SENATE ACTION

Once the legislative instrument has passed the House and is received and referred to committee in the Senate, it is important for the author to contact not only the Senate committee chairman, but the committee staff as well, to request that the instrument be heard. The author may handle the bill himself in the Senate committee or he may prefer to arrange for a Senator to handle it for him, but he must arrange for a Senator to handle the bill on the Senate floor. Senate staff is responsible for preparing amendments to bills in the Senate. However, HLS staff

is available to assist during these steps in the process by drafting amendments or providing information.

**CONFERENCE
COMMITTEE**

If the Senate passes and returns a legislative instrument to the House with amendments, the HLS staff will prepare an analysis thereof and discuss these changes with the author in advance of the instrument being further considered by the House. Should the House fail to concur in the amendments, a conference committee is appointed to consider the differences and report its recommendations to both houses. Usually, the staff of the committee that heard and reported the bill will prepare the conference committee report, at the direction of conference committee members, and will also prepare a digest of the instrument for use in floor action on the conference committee report.

OTHER LEGISLATIVE STAFF IN THE LEGISLATIVE PROCESS

In addition to the research divisions of House Legislative Services, each of the following components of legislative staff provides the Louisiana House of Representatives with a significant service directly related to the business of a legislative session.

OFFICE OF THE CLERK

The main duties of the House Clerk involve prefiling, filing, and distributing all legislative instruments; maintaining the daily floor calendar; recording proceedings for the House Journal; serving as custodian of legislative instruments; engrossing instruments that have been amended; enrolling instruments that have passed; reading the daily journal and all motions presented to the House; receiving committee reports; informing members of pending amendments, assisting the speaker, other members, and staff with parliamentary procedure and House rules; supervising his staff and session employees, including pages; directing computer services and audiovisual services; and other duties as prescribed by rule or law.

SERGEANT AT ARMS

The duties of the sergeant at arms are generally to be present when the House is in session and maintain order in the chamber and all legislative meeting rooms, to supervise all assistant sergeants at arms, to provide assistant sergeant at arms at each committee meeting to assist the chairman, to provide transportation between the House offices and the local airport and to and from out-of-town committee meetings, to accept deliveries, and to execute all process issued by the House. The sergeant at arms also maintains the security of all House facilities and assists in providing security for the State Capitol. The sergeant at arms staff includes emergency responders who are able to respond to medical emergencies in the Capitol.

OFFICE OF PUBLIC INFORMATION

The purpose of the House Public Information Office is to assist House members and staff with public information and media relations. This office designs new marketing strategies, such as publications or videos, to promote current and upcoming services; develops policies for producing media services; provides still photographs for legislators and staff; creates publications that increase knowledge of and promote public involvement in the legislative process; acts as liaison with schools and community organizations; and assists with audio, video, and print communication for media use.

CAUCUSES AND DELEGATIONS

While the services provided vary among the caucuses, most serve their members as a source to assist legislative district offices, perform constituent services and special projects, and serve as liaison to other state agencies and the executive and judicial branches of government. Of particular value is the ability of the caucus or delegation staff to work with local and congressional-level officials, lobbyists, and the general public.

**LEGISLATIVE
FISCAL OFFICE**

The Legislative Fiscal Office serves both the House and Senate by analyzing budgets and performance of the state and its agencies, preparing most fiscal notes on proposed legislation and regulations, answering fiscal information requests of individual legislators, and preparing revenue estimates for the Revenue Estimating Conference.

**LEGISLATIVE
AUDITOR**

As a constitutionally created office, the legislative auditor serves as a fiscal adviser to the legislature by reporting on the status of the general fund and the financial condition of the state treasury and by preparing actuarial notes on retirement bills and certain fiscal notes. The office also does compliance audits, as well as performance audits and reviews of state agency programs to evaluate their operations.

**LEGISLATIVE
COMPUTER
CENTER**

The Legislative Computer Center supports House, Senate, and joint computer technologies, providing technical support for a full array of services and information resources for members, their district offices, and staff. Those services include electronic document processing, storage, and retrieval; maintenance of statutory and other data bases; chamber automation; Internet pathways; electronic mail; and district office automation.

The Computer Center's Help Desk provides 24-hour technical support to the House. The publication, *Guide to Computer Services*, is the House member's handbook for the use of the legislative computer system. Applications of particular interest are described below.

Legislative Assistant provides real-time access for members to follow action on legislation on the floor and in committee. House members can view votes and the text of legislative instruments online and print documents. Legislative Assistant is available in the Capitol and can be accessed off-site by connecting to the Capitol network. It contains legislation for the current session and is only available to legislators and legislative staff.

Bill Status provides the status of an instrument, runs queries on bills, prints committee agendas and schedules, finds act numbers, and obtains various bill information. It is available in the Capitol or by connecting to the Capitol Network.

Ad Hoc Bill Status runs queries on instruments based on keyword, author, instrument type, and other criteria. It can be accessed while in the capitol or by connecting to the Capitol Network.

PREMISE® is a West program used for searching Louisiana cases, statutes and Attorney General's opinions. It is available by connecting to the Capitol Network, but works best in the Capitol. For assistance searching Premise and additional West information, contact the Poynter Library at: (225) 342-2430.

LIBRARY

The David R. Poynter Legislative Research Library (Poynter Library) is part of House Legislative Services (HLS) and is staffed by House personnel, but the Poynter Library also serves the Senate and all legislative agencies. Library staff provides members and staff copies of newspaper or journal articles, statistics, help with on-line data base and Internet searches, and other information used in committee presentation and floor debate. In some cases, library staff also refers inquiries to other appropriate staff members. The library is responsible for the PULS line, a toll-free telephone service to respond to questions from the public about the status of legislation, and also operates special information lines to respond to the questions of the House members and their district office staffs. The library staff also prepares subject indexes for all House and Senate instruments and Acts.

DOCKET

House Docket, an office within the Administrative Services section of House Legislative Services, places constitutionally required public notices for local and retirement bills with the proper official parish or state journal(s) when requested to do so by the author. Docket transmits the introductory packets of representatives' bills to the representatives at the proper time for introduction when the legislature is in session. It also serves as the Bill Room for copies of House instruments during the interim.

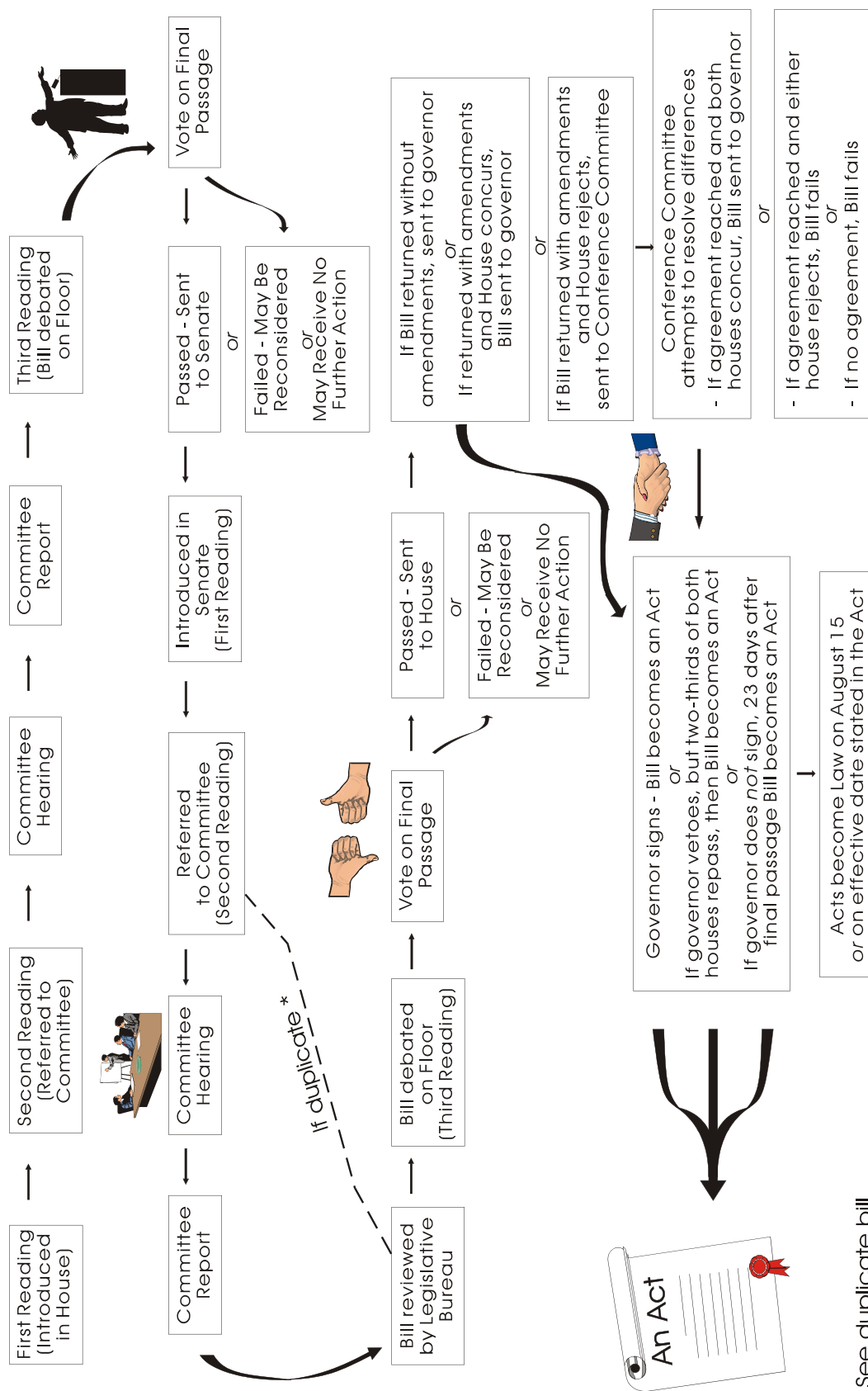
LEGISLATIVE BILL ROOM

During session, the Legislative Bill Room is located in the basement of the Capitol in Duval Hall next to the first-aid station. Its function is to make available to the public copies of all legislative instruments, daily journals, orders of the day, committee schedules and agendas, and bill status reports for the current session. There is a charge to the public for these documents to defray printing costs.

LAW INSTITUTE

The Louisiana State Law Institute (See *Louisiana State Law Institute* on page A-10.) periodically submits recommendations to the legislature in the form of legislation, much of which has been enacted as major bodies of Louisiana law. Additionally, following each legislative session, the institute edits the Acts of the legislature and directs the manner of printing the official text of the general laws of Louisiana.

How a Bill Becomes a Law



* See duplicate bill

THE LEGISLATOR AS CONTROLLER OF THE PURSE STRINGS

How Legislators Shape Policy through the Budget Process

Overview	F-1
RESOURCES TO ASSIST THE LEGISLATOR - FISCAL MATTERS	F-3
<i>How Staff Can Help House Members with Money Issues</i>	
HLS Fiscal Division	F-3
Legislative Fiscal Office	F-3
Legislative Auditor	F-4
Legislative Actuary	F-5
REVENUE AND BONDED INDEBTEDNESS	F-7
<i>Key Facts about Sources of Revenues and Incurring Debt</i>	
Ways and Means Committee	F-7
Major State Revenue Sources	F-8
Bonded Indebtedness	F-8
Debt Limit	F-8
THE BUDGET PROCESS	F-11
<i>The State Budget Process and the Legislature's Role in Planning, Adoption, and Oversight</i>	
Budget Planning and Preparation	F-11
State Fiscal Year	F-11
Revenue Estimating Conference	F-12
Expenditure Limit	F-12
Executive Budget	F-12
Performance-Based Budgeting	F-13
Budget Enactment	F-13
Appropriations Committee	F-13
Types of Appropriation Bills	F-13
Interim Budget Procedures	F-14
Joint Legislative Committee on the Budget	F-14
Avoidance of Budget Deficits	F-15
Interim Emergency Board	F-16
THE CAPITAL OUTLAY PROCESS	F-17
<i>The Capital Outlay Process and the Legislature's Role in Deciding Priorities and Funding of Construction Projects</i>	
Priority Programs	F-17
Requests and Evaluation	F-17
Legislative Process	F-18
Funding Order	F-18

THE LEGISLATOR AS CONTROLLER OF THE PURSE STRINGS

How Legislators Shape Policy through the Budget Process

OVERVIEW

The legislator as an individual and the legislature in general shape the policy of the state through control of the purse strings, specifically through the formulation of the operating and capital outlay budgets. The constitution vests the authority for appropriation of state monies and the power of taxation solely with the legislature.

SELECTED CONSTITUTIONAL PROVISIONS

The constitution provides the framework by which the legislature controls the purse strings.

- g No money shall be withdrawn from the state treasury except through a specific appropriation made in accordance with law.
- g No appropriation shall be made under the heading of contingencies or for longer than one year.
- g Appropriations by the legislature from the state general fund or from dedicated funds shall not exceed the official forecast of the Revenue Estimating Conference or the expenditure limit.
- g All bills raising revenue or appropriating money shall originate in the House of Representatives.
- g The power of taxation shall be vested in the legislature and shall never be surrendered, suspended, or contracted away, and shall be exercised for public purposes only.
- g Unless otherwise authorized by the constitution, the state shall have no power to incur debt or issue bonds except by law enacted by two-thirds of the elected members of each house of the legislature.

Areas of particular importance in understanding the legislature's exercise of this policy-making role through the budget process are detailed in the following pages and include these sections:

g **Resources to Assist the Legislator - Fiscal Matters**

In handling this important responsibility, the House of

Representatives has a number of resources available to it, including the Fiscal Division of House Legislative Services, the Legislative Fiscal Office, the Legislative Auditor, and the Legislative Actuary. A description of the responsibilities and services of each office is provided.

g **Revenue and Bonded Indebtedness**

A summary of major state revenue sources, requirements for incurring debt, limitations on state debt, and the jurisdiction of the Ways and Means Committee is provided.

g **The Budget Process**

The operating budget process is described, including adoption of the official revenue forecast, content and submission of the executive budget, jurisdiction of the Appropriations Committee, types of appropriation bills, and interim budget procedures. The composition and responsibilities of the Joint Legislative Committee on the Budget and the Interim Emergency Board are summarized.

g **The Capital Outlay Process**

This section discusses the requirements for submission of capital outlay requests, the approval process for late requests, the sources of funding (means of finance) for capital outlay projects, the general obligation bond priorities contained in the capital outlay bill, statutorily established priority programs, and the legislative process for consideration of the capital outlay budget.

RESOURCES TO ASSIST THE LEGISLATOR – FISCAL MATTERS

How Staff Can Help House Members with Money Issues

In handling the important responsibility as controller of the purse strings, the House of Representatives has a number of resources available to it. Each member may seek assistance from the Fiscal Division of House Legislative Services, the Legislative Fiscal Office, the Legislative Auditor, and the Legislative Actuary. Additionally, many other state and national sources of information and assistance are available.

HLS FISCAL DIVISION

The Fiscal Division of House Legislative Services provides staff for the Appropriations and Ways and Means Committees and their members. The division also has a staff of budget analysts who specialize in specific areas of governmental finance. In addition, the Fiscal Division staff provides assistance to all House members in matters dealing with the jurisdiction of these committees and with state fiscal policy issues. These services provided by the staff include:

- g Legislative instruments – Drafting bills and resolutions, including amendments.
- g Committee staffing – Analysis of legislation referred to committees and coordination and management of committee functions.
- g Budget analysis – Analysis and evaluation of fiscal and budgetary information, including the governor's budget recommendation, and performance data related to the operation of state government.
- g Research – Performance of fiscal research and policy analysis, legal research concerning the state budget and revenue issues, and other research as requested by committees or members of the House.

LEGISLATIVE FISCAL OFFICE

In accordance with the general direction and supervision of the Joint Legislative Committee on the Budget (Budget Committee), the Legislative Fiscal Office duties and functions include the following:

- g Analysis of the annual budgets prepared by the executive branch and recommendations thereon to the Budget Committee and the legislature.
- g Continuous short and long-range revenue and expenditure projections.
- g Preparation of fiscal notes for proposed legislation, which detail the legislation's effect on state revenues and expenditures.
- g Review of requests for budget adjustments (BA-7s) and

recommendations to the Budget Committee as to the merits of such requests.

- g Review of rules and regulations by the executive branch and informing the legislature and the public as to the fiscal and economic impact of such proposed rules and regulations.
- g Evaluation of requests submitted to the Interim Emergency Board and recommendations of approval or disapproval.
- g Responding to fiscal information requests of committees and individual legislators to the extent practical.
- g Analysis of the reported performance of executive branch agencies and report to the Performance Review Subcommittee of the Budget Committee on results.

LEGISLATIVE AUDITOR

The constitution provides that the legislative auditor shall serve as a fiscal advisor to the legislature and perform duties and functions provided by law related to auditing fiscal records of the state, its agencies, and political subdivisions (*Const. Art. III, §11*). The auditor is elected by a majority vote of the elected members of each house and may be removed by a two-thirds vote of those members. The basic functions of the office of the legislative auditor (*R.S. 24:511 et seq.*) encompass the following:

- g Audit of books and accounts of the state treasury, and other public entities, departments, and political subdivisions, the scope of which may include certification of financial accountability, legal compliance, and evaluations of the economy, efficiency, and effectiveness of the entity audited.
- g Audit of the accounts and records of each tax collector at least once a year.
- g Audit of a municipality or any public, quasi public, or private agency receiving state funds when requested to do so by the Legislative Audit Advisory Council, the legislature, or a grand jury.
- g Determination of all funds in the state treasury.
- g Submission to the legislature and the governor, prior to each regular session, of a written statement of the financial condition of the state treasury at the close of the preceding fiscal year, with an itemized estimate of the anticipated revenues for the current and the succeeding fiscal year.
- g Preparation of fiscal notes for proposed legislation affecting the

expenditures of local government and the receipts and expenditures of any state board or commission which is not appropriated state funds.

- g Conduct of performance audits, program evaluations, and other studies as needed to enable the legislature to evaluate the efficiency, effectiveness, and operation of state programs.

The legislative auditor fills the role of state auditor and reporter on the financial affairs of the state. In fulfilling these functions, the legislative auditor is aided and advised by the Legislative Audit Advisory Council.

LEGISLATIVE ACTUARY

The legislative actuary serves as an advisor to the legislature on issues related to public retirement systems. The basic functions of this office (R.S. 24:521) encompass the following:

- g Preparation of actuarial notes, which are estimates of the immediate and long-range financial and actuarial effects of proposed legislation relative to any state, parochial, or municipal retirement system funded wholly or partially from public funds.
- g Responding to requests for actuarial information requests of committees and individual legislators.

REVENUE AND BONDED INDEBTEDNESS

Key Facts about Sources of Revenues and Incurring Debt

CONSTITUTIONAL PROVISIONS RELATING TO REVENUE MEASURES

- g All bills raising revenue shall originate in the House of Representatives.
- g The levy of a new tax, an increase in an existing tax or a repeal of an existing tax exemption shall require the enactment of a law by two-thirds of each house of the legislature.
- g Any new fee or civil fine or increase in an existing fee or civil fine, except by a department headed by a statewide elected official, also must be enacted by a two-thirds vote of the legislature.
- g Regular sessions convening in odd-numbered years are restricted to consideration of legislation enacting the General Appropriation Bill and the comprehensive capital budget, or to make an appropriation; levy or authorize a new tax or increase in an existing tax; levy, authorize, increase, decrease, or repeal a fee; dedicate revenue; legislate with regard to tax exemptions, exclusions, deductions, repeals, or credits or to the issuance of bonds. In addition, each member may introduce up to five matters which are not within the subject matter restrictions on such session if it is prefiled or is a local or special law which is not prohibited and has been advertised.
- g No measure levying or authorizing a new tax by the state or a political subdivision whose boundaries are coterminous with the state, increasing an existing tax by such entities or legislating regarding tax exemptions, exclusions, deductions or credits may be introduced or enacted during regular sessions held in even-numbered years.
- g A political subdivision of the state shall not levy a severance tax, income tax, inheritance tax, or tax on motor fuel.

WAYS AND MEANS COMMITTEE

The subject matter jurisdiction of the Ways and Means Committee encompasses taxes and the raising of revenue; bonds and the bonding of revenue, including issuance, payment or retirement of bonds; evidences of indebtedness; the Department of Revenue; revenue collection; assessors; parish tax collectors; and the bond portion of the comprehensive state capital budget.

MAJOR STATE REVENUE SOURCES

The total state budget from all means of financing for Fiscal Year 2003-2004 is \$16.8 billion, of which \$6.373 billion is federal funds and \$10.405 billion is state funds, including the State General Fund, dedicated funds, and fees and self-generated revenues. The amount of the State General Fund as forecast by the Revenue Estimating Conference is \$6.480 billion. The major revenue sources are sales tax, individual income tax, corporate income and franchise taxes, gaming revenues, gasoline tax, and severance tax. The state constitution sets a rate limit on the individual income tax and the motor vehicle license tax, requiring a constitutional amendment to increase the tax rate of these two revenue sources.

BONDED INDEBTEDNESS

The state may incur debt or issue bonds only by law enacted by two-thirds of the members of each house of the legislature, and then only if the funds are to be used for any of the following purposes: to repel invasion, suppress insurrection, provide relief from natural catastrophes, refund outstanding indebtedness at the same or a lower effective interest rate, or make capital improvements in accordance with the comprehensive capital budget adopted by the legislature. The legislature may also, by a two-thirds vote of each house, propose a statewide public referendum to authorize incurring of debt by the state for any purpose for which the legislature is not authorized to incur debt. All state general obligation bonds and certain bonds of state agencies, boards, and commissions which are secured by the full faith and credit of the state are secured by the Bond Security and Redemption Fund (*Const. Art. VII, §6 and §9 (B)*).

No bonds or other obligations are to be issued or sold by the state directly or through any state board, agency, or commission, or by any political subdivision of the state, unless prior written approval of the **State Bond Commission** is obtained (*Const. Art. VII, §8*).

The membership of the Bond Commission is as follows: the state treasurer, who serves as chairman; the governor; the lieutenant governor; the secretary of state; the attorney general; the commissioner of administration; the president of the Senate; the speaker of the House; the chairmen of the Senate Finance Committee, the House Appropriations Committee, the Senate Revenue and Fiscal Affairs Committee, and the House Ways and Means Committee; and two members of the legislature to be appointed one each respectively by the President of the Senate and Speaker of the House.

DEBT LIMIT

Louisiana's debt limit is established so that for Fiscal Year 2003-2004 and thereafter the amount necessary to service outstanding net state tax-supported debt (NSTSD) does not exceed 6% of the estimated money to be received by the state general fund and dedicated funds

contained in the official forecast of the Revenue Estimating Conference (*Const. Art. VII, §6(F) and R.S. 39:1367*). The most recent status report (2/20/03) on NSTSD indicates that for Fiscal Year 2003-2004 the actual amount necessary to service such debt is 5.1%.

R.S. 39:1365(25) provides that the legislature may not authorize general obligation bonds if the amount authorized but unissued plus the amount outstanding exceeds two times the average annual revenues in the Bond Security and Redemption Fund for the last three fiscal years. R.S. 39:1402(D) provides that the bond commission shall not issue bonds secured by the full faith and credit of the state at any time when the highest annual debt service requirement for the current or any subsequent fiscal years exceeds ten percent of the average annual revenues of the Bond Security and Redemption Fund for the last three fiscal years.

THE BUDGET PROCESS

The State Budget Process and the Legislature's Role in Planning, Adoption, and Oversight

Constitutional Provisions Relative to Appropriations

- g The general appropriation bill shall be itemized and contain only appropriations for the ordinary operating expenses of state government. All other appropriations shall be for a specific purpose and amount.
- g The governor may veto any line item in an appropriation bill.
- g The governor shall submit to the legislature a budget estimate for the next fiscal year setting forth all proposed state expenditures, which shall not exceed the official forecast of the Revenue Estimating Conference and the expenditure limit for the fiscal year.
- g The governor shall cause to be submitted a general appropriation bill for proposed ordinary operating expenditures which shall be in conformity with the recommendations for appropriations contained in the budget estimate.
- g Appropriations by the legislature from the state general fund or from dedicated funds shall not exceed the official forecast of the Revenue Estimating Conference or the expenditure limit.
- g The appropriation of any money designated in the official forecast as nonrecurring shall be made only for the purpose of early retirement or defeasance of state debt, payments on the unfunded accrued liability of public retirement systems, capital outlay, deposit into the Budget Stabilization Fund and the Wetlands Conservation and Restoration Fund, or for new highway construction for which federal matching funds are available.
- g Appropriations shall be made only for a public purpose.

BUDGET PLANNING AND PREPARATION

STATE FISCAL YEAR

The state fiscal year for which appropriations are made begins on July 1 and ends on June 30.

**REVENUE
ESTIMATING
CONFERENCE**

The Revenue Estimating Conference establishes an **official revenue estimate** for use by the governor and the legislature in preparing and adopting the budget for each fiscal year, including designation of money that is nonrecurring. The principals of the conference are the governor, the president of the Senate, the speaker of the House, and a faculty member with revenue forecasting expertise from a public or private university in the state. Any final action establishing the official estimate must be made by a unanimous decision of the conference principals. Any change to add members to the conference or change to the unanimous vote requirement must be made by law enacted by two-thirds of the members of each house.

Appropriations or expenditures for any fiscal year **shall not exceed the official estimate** adopted by the conference. The conference is to meet quarterly and also at any time two principals suggest that a possible revision of the estimate be considered (*Const. Art. VII, §10(A)(B)(D)*).

EXPENDITURE LIMIT

The expenditure limit for a fiscal year is the limit for the previous fiscal year plus an amount equal to a positive growth factor. The growth factor is the average annual percentage rate of change of personal income for Louisiana for the three calendar years prior to the fiscal year for which the limit is calculated (*Const. Art. VII, §10(C)*).

EXECUTIVE BUDGET

The **governor** is responsible for preparation of an **executive budget** presenting a complete financial and programmatic plan for the ensuing fiscal year based upon the official estimate of the Revenue Estimating Conference. The executive budget is a summary document which is to clearly present and highlight the programs operated by state government and financial requirements associated with each. It is accompanied by a supporting document which provides additional detail on the budget and performance recommendations for each program.

A copy of the executive budget is transmitted to the Joint Legislative Committee on the Budget no later than 45 days prior to each regular session and to each member of the legislature on the first day of each regular session. (In the year of a first regular session of a new legislative term, the executive budget is provided to the Budget Committee 30 days prior to the start of the session.) Any **proposals** by the governor **to enhance revenues** beyond the official estimate must be submitted separate and apart from the executive budget and include a description of the proposed uses and programmatic impacts of the enhanced revenues.

No later than November 15 of each year, each budget unit (state agency) must submit to the governor its budget request for the coming fiscal year. The executive budget office analyzes the budget requests and other information in preparing the executive budget.

PERFORMANCE-BASED BUDGETING

By law the state budget is a performance-based budget. Key objectives and performance targets for each program are included in the executive budget and the appropriation bill, linking performance expectations to funding levels of each program to enhance accountability. Additional supporting objectives and performance targets are included in the executive budget supporting document. Agencies are required to report during the year on progress toward meeting their performance targets.

BUDGET ENACTMENT

APPROPRIATIONS COMMITTEE

The Appropriations Committee has nineteen members: one member elected from each of the congressional districts of the state by House members from the district and the remaining members appointed by the speaker, of whom one is appointed from each of the five Public Service Commission districts and seven at large.

The subject matter jurisdiction of the committee includes matters related to the appropriation and expenditure of funds, fiscal controls, deposit and investment of public funds, cash flow, economy and efficiency in government, budgetary procedures, and procurement of goods and services and professional, personal, and consulting services. The committee also considers legislation originating in the Senate which is estimated to have an impact on expenditures which exceeds \$500,000.

TYPES OF APPROPRIATION BILLS

- g **General Appropriation Bill** – This bill provides for the annual operating budgets of state agencies, and includes both appropriated funding levels and performance targets for the year. The bill is submitted to the legislature by the governor and must be in conformity with the executive budget. The legislature reviews and modifies the programs and recommended expenditures contained in the bill. Amendments increasing appropriations are generally added in line item form and are subject to gubernatorial veto.
- g **Capital Outlay Bill** – Only the cash portion of the bill is reviewed and amended by the Appropriations Committee. The bond portion of the bill is within the jurisdiction of the House Committee on Ways and Means.
- g **Ancillary Appropriation Bill** – This bill provides for appropriation of funds as working capital for the financing of business enterprises conducted by state agencies, such as self-insurance programs, prison enterprises, cafeterias and printing centers. Appropriations are made out of special revolving working capital funds into which revenues from the operation of these enterprises are deposited, and from which allotments are made.

- g **Legislative Expense Bill** – The expenses of the legislature and its service agencies including House Legislative Services, Senate Research Services, the Legislative Auditor’s Office, the Legislative Fiscal Office, the Law Institute, and other support services are appropriated by means of the legislative expense bill rather than the general appropriation bill. **The Legislative Budgetary Control Council** is charged by law (R.S. 24:38) with the responsibility of reviewing and controlling the budget and expenses of the legislature and its agencies. The council is composed of ten members: the president of the Senate, the president pro tempore of the Senate, the speaker of the House, the speaker pro tempore of the House, the chairman and one member of the Senate and Governmental Affairs Committee, the chairman and one member of the House and Governmental Affairs Committee, the chairmen of the House Appropriations and Senate Finance Committees, and, ex officio, the clerk of the House and the secretary of the Senate.
- g **Judicial Expense Bill** – The appropriation for the expenses of the judiciary, including the supreme court, courts of appeal, district courts, and other courts, is also provided for in a separate appropriation bill. The budget preparation and expenditure control function is vested in the **Judicial Budgetary Control Board**.
- g **Judgment Bills** – Final judgments which are not paid through the risk management program require an appropriation of funds by the legislature for payment. Appropriations Committee staff review and authenticate documentation involved in the judgment, and bills appropriating funds to pay the judgments are reviewed by the Appropriations Committee.
- g **Other Appropriation Bills** – These include special noncontinuing expenses of the state, including recommendations by the Board of Tax Appeals to pay awards rendered by that board. Unanticipated expenses in excess of allotted monies from the current fiscal year may be provided for in a **supplemental appropriation bill**.

INTERIM BUDGET PROCEDURES

JOINT LEGISLATIVE COMMITTEE ON THE BUDGET

The Joint Legislative Committee on the Budget (Budget Committee) is composed of the members of the House Committee on Appropriations, the Senate Finance Committee, and the chairmen of both the House Ways and Means and Senate Revenue and Fiscal Affairs Committees or their designees from the members of those committees.

During the interim the committee is authorized to approve or disapprove transfers of funds and budget adjustments through the BA-7 process, and to approve requests for use of interest earnings and for change orders for capital construction projects. The committee is also extended broad authority to interpret and oversee implementation of legislative intent regarding fiscal and budgetary matters.

The committee may hold hearings each year to review budget requests and the recommended executive budget, and report its findings and recommendations two weeks prior to each regular session.

AVOIDANCE OF BUDGET DEFICITS

The division of administration submits a **budget status report** each month to the Budget Committee. This report presents the balance of the budget for the state general fund and dedicated funds by comparing the official forecast of the Revenue Estimating Conference to the total appropriations for each fund. If the report indicates that the total appropriation from any fund will exceed the official forecast for that fund, the committee is required to notify the governor that a projected deficit exists for that fund.

Upon such notification that a deficit exists, the governor may use his interim budget balancing powers to adjust the budget for any program that is from a fund that is in a deficit posture. The governor's interim budget balancing powers include:

- g The governor may direct the commissioner of administration to reduce appropriations for the executive branch for any fund that is in a deficit. Such reductions shall not exceed three percent of total appropriations for any budget unit.
- g If the governor has reduced state general fund appropriations by at least seven-tenths of one percent in the aggregate, the governor may direct the commissioner of administration to reduce any appropriation, including those that are constitutionally protected or mandated, by an amount not to exceed five percent in the aggregate from that fund. Any reduction to the MFP pursuant to this authority is limited to one percent, which shall be applied to non-instructional activities. This adjustment requires prior approval of the Budget Committee.
- g The governor may also issue freeze orders prohibiting the expenditure of monies for specific items.
- g If within thirty days of the determination that a projected deficit exists, the governor has not made the necessary adjustments in appropriations to eliminate the projected deficit, the governor shall call a special session of the legislature for that purpose unless the legislature is in Regular Session.

**INTERIM
EMERGENCY BOARD**

The Interim Emergency Board (IEB), composed of the governor, lieutenant governor, state treasurer, the presiding officer of each house of the legislature, the chairman of the Senate Finance Committee, and the chairman of the House Committee on Appropriations, or their designees, **may appropriate money** between legislative sessions from the state general fund or may borrow on the full faith and credit of the state an amount necessary to meet an emergency. The total amount of such debt and appropriations must never exceed one-tenth of one percent of total state revenues for the previous fiscal year. Such appropriations or borrowing can only be made with the **written consent of two-thirds of the elected members of each house** of the legislature and only for emergencies which are defined by the constitution as events not reasonably anticipated by the legislature. An “event not reasonably anticipated” is defined as one not considered and rejected, in the same relative form or content, by the legislature during the preceding session either by specific legislative instrument or amendment.

THE CAPITAL OUTLAY PROCESS

The Capital Outlay Process and the Legislature's Role in Deciding Priorities and Funding of Construction Projects

The constitution requires the governor to submit to the legislature in each regular session a **five-year capital outlay program** with a request for implementation of the first year of the program. The budget the governor presents to the legislature is composed of two types of construction: (1) highway and public works construction; and (2) building and other construction (*Const. Art. VII, §11(C)*).

PRIORITY PROGRAMS

Appropriations for construction of state highways, flood control projects, airports, and ports are made pursuant to priority programs established by law. These projects are evaluated by the Department of Transportation and Development (DOTD) and submitted for review to the Joint Legislative Committee on Transportation, Highways and Public Works. The joint committee reviews the projects and holds public hearings throughout the state. After consideration of the findings and recommendations of the joint committee, the department proposes the final program for the upcoming fiscal year.

REQUESTS AND EVALUATION

All requests for construction of buildings and other construction must be submitted to the division of administration prior to **November 1** of each year. Requests by local governmental agencies and other nonstate entities shall be endorsed by either the senator or the representative in whose district the project will be located. No project requested after the November 1 deadline may be funded in the capital outlay bill unless approved by the Joint Legislative Committee on Capital Outlay or approved as an emergency project by the commissioner of administration or as an economic development project by the secretary of the Department of Economic Development.

All capital outlay projects must be evaluated through a feasibility study prior to inclusion in the capital outlay bill enacted by the legislature. Except for those projects evaluated by DOTD, completion of the request forms and subsequent evaluation by the facility planning and control section of the division of administration constitute compliance with this requirement. Recommendations for inclusion of projects in the bill are also made by the Joint Legislative Committee on Capital Outlay.

From these sources the governor decides which projects are to be included in the **capital outlay budget** and included in the **capital outlay bill** presented to the legislature for the regular session. Projects included in the bill may be funded by cash sources such as the state

general fund, self-generated funds, and other state and federal funds or by the sale of general obligation bonds or other bonds.

LEGISLATIVE PROCESS

The capital outlay bill is heard by the House Appropriations Committee and the Senate Finance Committee to make cash appropriations; and the bill is heard by the House Ways and Means Committee and the Senate Revenue and Fiscal Affairs Committee to appropriate proceeds from the sale of bonds. Authorization for the sale of the bonds to fund construction is contained in the **Omnibus Bond Authorization Act** which is a companion bill to the Capital Outlay Act and requires a two-thirds vote of each house. This bill is only heard in the House Ways and Means Committee and the Senate Revenue and Fiscal Affairs Committee.

FUNDING ORDER

Projects funded by general obligation bonds are divided into priorities numbered one through five. Priority 1 is generally limited to reauthorizations of certain previously authorized projects and commitments made to higher education desegregation settlement requirements. Priority 2 is generally reserved for completion of projects already under construction or for projects which will be ready to begin construction during the first and second quarters of the fiscal year. Priority 5 is reserved for dollar amounts which can be approved for a noncash line-of-credit in order to sign contracts for the entire amount of a project even though the total amount will not be required for cash payments in the upcoming fiscal year. In addition, projects identified as "Not Requiring a Priority" are funded through a reallocation of bond proceeds from projects which are completed and came in under budget.

The Act requires that before any project listed in Priority 2 is funded or receives a line-of-credit, all projects in Priority 1 must either be funded or be declared "Impossible or Impractical" by the State Bond Commission. During the interim between legislative sessions, the priority of a project can be changed or the project description adjusted only by majority vote through an Interim Emergency Board ballot.

INFORMATION RESOURCES

Quick Reference to Information Sources Useful to House Members

Overview	G-1
INFORMATION RESOURCES FOR HOUSE MEMBERS	G-3
<i>Quick Information for House Members</i>	
Telephone Numbers by Legislative Office	G-3
House Legislative Services	G-3
Key House Phone Numbers	G-4
Senate	G-5
Other Legislative Entities	G-5
Legislative Computer Center	G-5
Telephone Numbers by Type of Information Including Contacts	G-6
INFORMATION AVAILABLE ON THE INTERNET	G-9
Legislative Home Pages	G-9
Louisiana Legislative Websites	G-9
InfoLouisiana	G-11
Legal Resources	G-11
Additional Useful Websites	G-12
PUBLICATIONS	G-15
House of Representatives	G-15
Other Legislative	G-16
From Other Sources	G-17
FREQUENTLY ASKED QUESTIONS	G-19
General Legislative Information	G-19
Fiscal Information	G-23
State Government Information	G-24
INFORMATION RESOURCES FOR CONSTITUENTS	G-27
<i>Information Sources to Which Constituents May Be Referred</i>	
PULS Line	G-27
Internet Websites	G-27
Switchboards	G-27
Fax Lines	G-27
HLS Administrative Services	G-28
Senate Document and Records Office	G-28
Other Resources	G-28

INFORMATION RESOURCES

Quick Reference to Information Sources Useful to House Members

OVERVIEW

This section is intended to provide a quick reference to information sources of use to House members. It is divided into two parts: Information Resources for House Members and Information Resources for Constituents.

Information Resources for House Members includes:

- (1) Phone numbers organized first by legislative office and then by the type of information (including whom to contact);
- (2) Information available on the internet, including legislative home pages, information available on Louisiana legislature websites and through the state's homepage, useful sources of legal information, and additional useful sites;
- (3) Publications useful to members, including House, legislative, and other publications; and
- (4) Frequently asked questions divided into general legislative, fiscal, and state government information.

Information Resources for Constituents lists a number of information sources to which House members and their district office staff may refer constituents. These sources are available to the public generally.

INFORMATION RESOURCES FOR HOUSE MEMBERS

Quick Information for House Members

TELEPHONE NUMBERS

By Legislative Office

HOUSE LEGISLATIVE
SERVICES
PHONE DIRECTORY

Executive Director (225) 342-6125

Divisions

Commercial Regulation Division

Director (225) 342-6288

Commerce Committee (225) 342-6151

Health & Welfare Committee (225) 342-2404

Insurance Committee (225) 342-2406

Labor & Industrial Relations Committee (225) 342-6121

Fiscal Division

Director (225) 342-6295

Appropriations Committee (225) 342-2444

Ways & Means Committee (225) 342-2442

Governmental Affairs Division

Director (225) 342-2398

Education Committee (225) 342-2408

House & Governmental Affairs Committee .. (225) 342-2403

Municipal, Parochial, & Cultural Affairs
Committee (225) 342-2401

Retirement Committee (225) 342-2445

Legal Division

Director (225) 342-2421

Civil Law & Procedure Committee (225) 342-5105

Criminal Justice Committee (225) 342-2409

Judiciary Committee (225) 342-6129

Resource & Infrastructure Division

Director (225) 342-6166

Agriculture Committee (225) 342-0347

Environment Committee (225) 342-0347

Natural Resources Committee (225) 342-2402

Transportation, Highways &
Public Works Committee (225) 342-6171

Poynter Library
 Director (225) 342-2430
 District Office Line (225) 342-5783 or 5128
 Public Update Legislative Service (PULS) Line
 Baton Rouge area & out-of-state (225) 342-2456
 Toll-free (Louisiana only) (800) 256-3793
 TTY Line for the Hearing Impaired
 Baton Rouge area & out-of-state (225) 219-4688
 Toll-free (Louisiana only) (888) 850-6489

Administrative Services Division
 Director (225) 342-1362
 Bill Room (session only) (225) 342-2192
 Docket (225) 342-6458

For a listing of HLS staff names on the internet, go to:
<http://house.louisiana.gov>
 Click on “House Staff,” then “House Administrative Services”

KEY HOUSE
PHONE NUMBERS

Office of the Speaker (225) 342-7263
 Office of the Speaker Pro Tempore (225) 342-7263
 Office of the Clerk (225) 342-7259
 Accounting (225) 342-2263
 Human Resources Office (225) 342-2455
 Property Control and Purchasing (225) 342-2198
 Public Information Office (225) 342-9795
 Sergeant at Arms (225) 342-1228
 Switchboard (225) 342-6945

For a listing of House staff names on the internet, go to:
<http://house.louisiana.gov>
 and click on “House Speaker’s Welcome” for Speaker and Speaker
 Pro Tempore, or click on “House Staff” for other offices

SENATE

- Senate Switchboard (225) 342-2040
- Senate Document and Records Office (225) 342-2365
- Senate Legislative Services Administrator (225) 342-0614

For a listing of Senate staff with names and phone numbers
on the internet, go to:
<http://senate.legis.state.la.us>
and click on “Staff/Divisions”

OTHER
LEGISLATIVE
ENTITIES

- Caucuses and Delegations
 - Acadiana Delegation (225) 342-0349
 - Jefferson Delegation (225) 342-0356
 - Orleans Delegation (225) 342-8301
 - Republican Delegation (225) 342-6287
 - Black Caucus (225) 342-7342
 - Independent Caucus (225) 342-9980
 - Rural Caucus (225) 342-0365
 - Women’s Caucus (225) 342-0334
- Joint Legislative Committee on the Budget (225) 342-7244
- Legislative Auditor (225) 339-3800
- Legislative Fiscal Office (225) 342-7233
- Louisiana Capitol Foundation
(House Clerk’s Office) (225) 342-2198
- Louisiana State Law Institute (225) 578-0200

LEGISLATIVE
COMPUTER CENTER

- Computer Center Help Desk (225) 342-4000

CONTACTS FOR
LEGISLATIVE AND
GENERAL
INFORMATION

By Type of Information

Bill drafting	
HLS research staff	(225) 342-6125
Budget/Fiscal questions	
HLS Fiscal Division	(225) 342-8568
Current law on a specified topic	
HLS research staff	(225) 342-6125
District office expenses	
House Accounting Office	(225) 342-2263
District office help in using legislative documents/resources	
Poynter Library's District Office	
Assistance Lines	(225) 342-5783 or 5128
Formal legal opinion on interpretation of Louisiana law	
Attorney General	(225) 342-7013
HLS research staff	(225) 342-6125
Governmental functions, services, and programs	
HLS research staff	(225) 342-6125
Governor's action on enrolled bills/Act number assignment	
Poynter Library's District Office	
Assistance Lines	(225) 342-5783 or 5128
Governor's Office (action taken by governor)	(225) 342-0955
Secretary of State Act information	(225) 342-2084
Governor's bill signing (schedule to be present for signing)	
Governor's Office	(225) 342-8213
Historical legislative documents	
Poynter Library	(225) 342-2430
House/Senate bills, daily journals, rosters, rules	
HLS Administrative Services	(225) 342-6125
Identification/status of legislation from current/prior sessions	
Poynter Library's District Office	
Assistance Lines	(225) 342-5783 or 5128
Legislative assistants hiring	
House Human Resources Office	(225) 342-2455

Legislators recommending temporary session employees	
Clerk's Office	(225) 342-7259
Miscellaneous services	
(Visiting dignitaries/groups, honorary House member certificates, sergeant at arms)	
Speaker's Office	(225) 342-7263
Photography and video services	
House Public Information Office	(225) 342-9795
Research on governmental/legislative topics	
HLS research staff	(225) 342-6945
Poynter Library	(225) 342-2430
State Capitol tours	
State Tourist Information Desk	(225) 342-7317
Speaker's Office (assistance)	(225) 342-7263

INFORMATION AVAILABLE ON THE INTERNET

The Louisiana Legislature maintains three separate websites: The Web Portal to the Louisiana Legislature (the Legislature's home page); The Louisiana House of Representatives Internet Portal (House home page); and The Louisiana State Senate (home page). Each house is responsible for the content and presentation on its website. The content of the Legislature's home page is approved by the Speaker of the House and President of the Senate. Each of the three websites has its own webmaster. Separate websites are maintained by the Legislative Auditor, the Legislative Fiscal Office, and the Louisiana State Law Institute. (For other computer resources for House members, see *Legislative Computer Center* on page E-26.

Legislative Home Pages

Home Page for:	URL
Louisiana Legislature	http://www.legis.state.la.us
Louisiana House of Representatives	http://house.louisiana.gov
Louisiana Senate	http://senate.legis.state.la.us
Louisiana Legislative Auditor	http://www.la.state.la.us
Louisiana Legislative Fiscal Office	http://www.lalegiscaloffice.com
Louisiana State Law Institute	http://www.lsl.org

Information Available on Louisiana Legislative Websites

Information	Website	Click on this Link
Frequently Asked Questions	http://house.louisiana.gov http://www.legis.state.la.us	FAQs (scroll down to find link) – Also available beginning on page G-19 of this section. How Do I?
Guide to the House of Representatives	http://house.louisiana.gov	Citizen's Guide
Guide to the Legislature	http://www.legis.state.la.us	About the Legislature
House Legislative Services	http://house.louisiana.gov	House Staff; House Legislative Services
House Speaker	http://house.louisiana.gov	House Speaker's Welcome
How a Bill Becomes a Law	http://house.louisiana.gov	Citizen's Guide; The Legislative Process
Laws - (Statutes, Codes, Constitution, Rules)	http://www.legis.state.la.us	Louisiana Laws (scroll down for link, on left)

Information	Website	Click on this Link
Laws - Constitution	http://house.louisiana.gov http://senate.legis.state.la.us	LA Constitution Documents, then State Constitution of 1974
Legislation	http://www.legis.state.la.us	Session Information; then select session
Legislative Committees - Both chambers - House - Senate	http://www.legis.state.la.us http://house.louisiana.gov http://senate.legis.state.la.us	Committees House Standing Committees Committees
Legislative Committees House Procedure	http://house.louisiana.gov	Citizen's Guide; How Committees Work Citizen's Guide; Quick Guide to Committee Procedure
Legislative Delegations & Caucuses	http://house.louisiana.gov http://www.legis.state.la.us	Caucuses/Deleg. Legislators; scroll down to Legislative Caucuses and Delegations
Legislative Terms Glossary	http://house.louisiana.gov http://www.legis.state.la.us	House Glossary About the Legislature; scroll down to Legislative Terms
Legislators - both chambers - House - Senate	http://www.legis.state.la.us http://house.louisiana.gov http://senate.legis.state.la.us	Legislators Representatives Senators
Rules of Procedure - House - Senate - Search Feature	http://house.louisiana.gov http://senate.legis.state.la.us http://www.legis.state.la.us	House Rules; Citizen's Guide; Quick Guide to Floor Procedure Documents; Senate Rules of Order; Louisiana Laws (scroll down for link; allows for search of rules)
Seating Chart - House - Senate	http://house.louisiana.gov http://senate.legis.state.la.us	House Seating Chart Senators Chamber Seating Chart
Senate President	http://senate.legis.state.la.us	Officers
Senate Staff	http://senate.legis.state.la.us	Staff/Divisions
Services for People with Disabilities	http://www.legis.state.la.us	Disability Information
Session Information	http://www.legis.state.la.us	Session Information; then select session
Special Session - Governor's Call	http://www.legis.state.la.us	Session Information; then select session; scroll down for link under Key Session Information

Information	Website	Click on this Link
Video Broadcast - Live	http://www.legis.state.la.us http://house.louisiana.gov	Today at the Capitol (click on link to meeting, then video icon) Live Video
Video Broadcast - Archive	http://house.louisiana.gov	Video Archives
Webmaster - Legislature - House - Senate	http://legis.state.la.us http://house.louisiana.gov http://senate.legis.state.la.us	Link is at very bottom of page Content Responsibility (lower left) Link is at very bottom of page

Information Available through InfoLouisiana - <http://www.state.la.us>

Info Louisiana is the state's web portal to government information and services. It provides links to state agency, judicial and local government websites. The table below lists key access points to this information.

Resource	From http://www.state.la.us , Click on
Agency Website Index	Government; Agency Index
Court and Judicial Information	Government; Judicial
Governor	Government; Executive
Local Government	Government; Local Government
Louisiana State History and Background Includes student resources, climate, history & culture, events, demographics, FAQs	About Louisiana
Louisiana Transactions Online – Louisiana e-mail	Louisiana e-mail (on the right of home page)
Maps	Maps (at bottom of home page) Also at: http://www.state.la.us/maps.htm
Online Government Services Links	Services; Online Services
Telephone Directory	State Government Directory

Legal Resources

Website	URL	Notes
Louisiana Statutes	http://www.legis.state.la.us/tsrs/search.htm	
Constitution of Louisiana	http://house.legis.state.la.us/Constitution.pdf http://senate.legis.state.la.us/Documents/Constitution	

Website	URL	Notes
Attorney General	http://www.ag.state.la.us/	Includes link to opinions.
Executive Orders	http://www.state.la.us/osr/other/exord.htm	
Judicial (Court) Index	http://www.state.la.us/gov_judicial.htm	Links to state and federal courts; legal sites.
Louisiana Administrative Code	http://www.state.la.us/osr/lac/lac.htm	
Louisiana Register	http://www.state.la.us/osr/reg/register.htm	
Secretary of State, Publications Division	http://www.sec.state.la.us/notary-pub/pub-idx.htm	Includes information on obtaining copies of Acts, Calendars & Journals.
Supreme Court – Louisiana	http://www.lasc.org/	Includes opinions.
Supreme Court – United States	http://www.supremecourtus.gov	Includes opinions.

Additional Useful Websites

Website	URL	Notes
Council of State Governments (CSG)	http://www.csg.org/csg/default	
FirstGov	http://www.firstgov.gov/	U.S. Government Information Portal
Legislative Websites	http://www.legis.state.la.us/uslegis.htm	Map with links to the legislative website of each state.
National Conference of State Legislatures (NCSL)	http://www.ncsl.org/	House members & legislative assistants may register with NCSL to obtain access to restricted member information.
Public Affairs Research Council of La. (PAR)	www.la-par.org	
Southern Legislative Conference	http://www.slcatlanta.org	Regional component of CSG.

Website	URL	Notes
Secretary of State, Elections Division	http://www.sec.state.la.us/elections/elections-index.htm	
Student Financial Assistance	http://www.osfa.state.la.us	Includes TOPS & START Portal

PUBLICATIONS

Print copies of publications are supplied to House members as noted. For information on availability and additional copies, contact HLS Administrative Services at: (225) 342-6458. Most publications are available for purchase by the public through HLS Administrative Services. They are also available at Louisiana depository libraries through the State Documents Program. To locate a library near you, contact the Recorder of Documents at: (225) 342-4929.

House of Representatives Publications

Title	Print Availability	Online Version (click on the link in parentheses)	Intranet Availability
Highlights of the Session	yes	Mailed to House members after session. http://house.louisiana.gov (Sessions)	
House Drafting Manual		Available on intranet.	yes
House Fax		Sent to House members weekly, via email.	yes, current issue
House Journal	yes	http://house.louisiana.gov (Journals) Furnished to members upon request and to the public for a fee, call: (225) 342-2083. Order form is at http://www.sec.state.la.us/comm/publist.htm	
Interim Résumé	yes	Sent to House members after session.	
Louisiana Constitution	yes	http://house.louisiana.gov (Constitution)	
Orientation Guide for Louisiana House Members	yes	http://house.louisiana.gov (House Orientation Guide)	yes
Quick Guide to Committee Procedure in the La. House of Representatives	yes	http://house.louisiana.gov (Citizen's Guide, Quick Guide to Committee Procedure)	
Quick Guide to Floor Procedure in the La. House of Representatives	yes	http://house.louisiana.gov (Citizen's Guide, Quick Guide to Floor Procedure)	
Résumé	yes	http://legis.state.la.us (Session Information – includes tables for each bill only)	

Title	Print Availability	Online Version (click on the link in parentheses)	Intranet Availability
Roster and Standing Committees of the House of Representatives	yes	http://house.louisiana.gov (House Standing Committees – information only, not the actual publication)	
Rules of Order of the House of Representatives	yes	http://house.louisiana.gov (Rules)	
State and Local Government in Louisiana	yes	Sent to House members. http://house.louisiana.gov (Citizen's Guide)	yes
State Budget - Fast Facts and Talking Points	yes	Sent to members after session. http://house.louisiana.gov (House Fiscal Division, Publications)	

Other Legislative Publications

Title	Agency	Availability
Boards, Commissions and Like Entities, Report to the Legislature	La. Office of Legislative Auditor	http://www.lla.state.la.us/bdcomm.pdf E-mail distribution to members by Auditor.
Fiscal Highlights	La. Legislative Fiscal Office	Print copy sent to members upon publication.
Legislative Auditor Report to the Legislature	La. Office of Legislative Auditor	http://www.lla.state.la.us/webanrpt.pdf E-mail distribution to members by Auditor.
Legislative Audits	La. Office of Legislative Auditor	http://www.lla.state.la.us E-mail distribution to members by Auditor.
Louisiana Ten Year Expenditure History, FY 1992 to 2002	La. Senate Fiscal Services	http://legis.senate.la.us (Fiscal Services, Publications & Briefings)
Rules of Order of the Senate	La. Senate Fiscal Services	http://legis.senate.la.us (Documents)
Senate Journals	La. Senate La. Secretary of State	http://legis.senate.la.us (Session Info) Purchase info at: (225) 342-2083; order form is at http://www.sec.state.la.us/comm/publist.htm
State Budget Highlights	La. Senate Fiscal Services	http://legis.senate.la.us (Fiscal Services, Publications & Briefings)

Useful Publications from Other Sources

Documents listed below produced by state agencies are public documents under the State Depository Program and are available for use at depository libraries. To locate a library near you, contact the Recorder of Documents at: (225) 342-4929.

Title	Agency/ Organization	Availability
Acts of the Legislature (Bound edition with index)	La. Secretary of State	Available for purchase; call (225) 925-4704. Historical research for members on Acts, contact the Poynter Library.
Acts of the Legislature (Newspaper distribution)	The Advocate	Official state journal promulgation of Acts. To subscribe to Acts as they are published, call: (225) 388-0200.
Acts of the Legislature (West edition)	West's Session Law Service	Distributed in volumes as compiled. To subscribe, call (225) 328-9352.
Executive Budget & Executive Budget Supporting Document	La. Office of Planning & Budget	Available online at: http://www.state.la.us/opb/index.htm Print available to members at the Poynter Library and HLS Fiscal Division.
Executive Orders	La. Office of State Register	Available online at: http://www.state.la.us/osr/osr.htm
Guide to the Louisiana Legislature	Public Affairs Research Council of Louisiana	Print available from PAR; call: (225) 926-8414. Brief online version & ordering information at: http://www.la-par.org (Publications & Products)
Legislative Calendars & Journals	La. Secretary of State	Furnished to members upon request and to the public for a fee, call: (225) 342-2083. Order form is online at: http://www.sec.state.la.us/comm/publist.htm
Louisiana Administrative Code	La. Office of State Register	Available online at: http://www.state.la.us/osr/osr.htm
Louisiana Juvenile Justice Commission Reports	La. Juvenile Justice Commission	Available online at: http://jjc.legis.state.la.us
Louisiana Register	La. Office of State Register	Available online at: http://www.state.la.us/osr/osr.htm
Louisiana State Government Telephone Directory	La. Office of Telecommunications Management	Print available for purchase, call: (225) 342-7701. Available online at: http://www.state.la.us/otm/listings/telephone.htm

Title	Agency/ Organization	Availability
Louisiana Tax Guide	La. Department of Revenue	Available online at: http://www.rev.state.la.us (Publications, Basic Tax Guides & Publications).
Roster of Louisiana Officials	La. Secretary of State	Secretary of State sends to members. Available for purchase, call: (225) 922-0425. Order form is online at: http://www.sec.state.la.us/comm/publist.htm
State Inspector General Reports	La. Office of State Inspector General	Available online at: http://www.state.la.us/oig/inspector.htm Member assistance locating reports, contact the Poynter Library.
Tax Exemption Budget	La. Department of Revenue	Available online at: http://www.rev.state.la.us (Publications, Statistical Publications).

FREQUENTLY ASKED QUESTIONS

General Legislative Information

WHAT IS HLS?

House Legislative Services. A complete description of HLS can be found on page A-7. The HLS staff is the first place to turn for research, drafting, or general questions regarding the Legislature.

- ♦ HLS Executive Director (225) 342-6125

HOW DO I HAVE A BILL DRAFTED?

Develop your concept for legislation by calling an HLS staff member or Division Director, based on subject matter, or the HLS Executive Director.

- ♦ HLS Executive Director (225) 342-6125

HOW DO I FIND A VOTING RECORD?

House Legislative Services staff may do research to provide a member (or his/her legislative assistant) information on the member's vote on a specific legislative instrument; however, HLS staff does not perform generalized research of a member's voting record. Staff will provide guidance in the use of Calendars and Journals for more detailed vote research. The voting records on each bill appear in the House and Senate Journals for the day a vote is taken; the Journals record the proceedings in the order in which they occur.

- ♦ Poynter Library Director (225) 342-2430
- ♦ Poynter Library Assistance . . (225) 342-5783 or (225) 342-5128 (Available to members and legislative assistants only)

HOW DO I FIND VOTES BY BILL NUMBER?

- ♦ Louisiana Legislature Website . . . <http://www.legis.state.la.us> (Click on "Session Information" & select the appropriate year. Type in bill number under "How Your Legislator Voted")
- ♦ House and Senate Journals are also available on the website. (Click on "Session Information." Select session, and scroll to "Key Session Information"; then scroll to House or Senate Journal)

Paper copies of Journals:

- ♦ Bill Room (session only) (225) 342-2192
- ♦ State Library, Louisiana Section (225) 342-4914

WHERE CAN I FIND A
LIST OF
PREFILED BILLS?

The Interim Calendar contains a list of prefiled bills with titles and committee referrals. The Clerk's Office sends a copy of the Interim Calendar to each member's district office.

A list of prefiled bills is also available on the La. Legislature Website at the appropriate time, prior to session. From the website home page, note the prefile link at the top of the screen.

- ♦ La. Legislature Website <http://www.legis.state.la.us>
(Scroll to "Bill Search." Search by bill #, author, or subject)
- ♦ HLS Administrative Services (225) 342-6458
- ♦ Bill Room (session only) (225) 342-2192

WHERE CAN I
OBTAIN A COPY OF A
PREFILED BILL
OR ANY BILL?

Legislators (during session) receive a copy of each bill calendared for final passage. Copies are placed in a book on each member's desk in the House Chamber. Legislators may also call HLS Administrative Services at any time for a copy of any bill. Copies of bills are free of charge only to the member.

Constituents may obtain copies of bills in the following manner:

- ♦ La.. Legislature Website <http://www.legis.state.la.us>
(Scroll to "Bill Search." Search by bill #, author, or subject)
- ♦ Bill Room (session only) (225) 342-2192
- ♦ HLS Administrative Services (after session) (225) 342-6458

WHERE CAN I FIND
INFORMATION ON
LEGISLATION?
(BILL #,
AMENDMENTS, ETC.)

- ♦ La. Legislature Website <http://www.legis.state.la.us>
(Scroll to "Bill Search" or click "Session Information")
- ♦ Legislative Assistant Database - Updates legislation in real time
(during session only)
- ♦ Poynter Library Assistance . . (225) 342-5783 or (225) 342-5128
(Available to members and legislative assistants only)
- ♦ PULS Line (Baton Rouge & out-of-state) (225) 342-2456
- ♦ PULS Line (in-state only) (800) 256-3793

WHERE DO I OBTAIN
A PUBLISHED
RECORD OF
HOUSE/SENATE
PROCEEDINGS?

- ♦ Daily House/Senate Journal. During session members receive the prior day's journals at their desks in the House Chamber. Other sources of the Journals are:
- ♦ La. Legislature Website <http://www.legis.state.la.us>
(Click "Session Information," select session and scroll to "Key Session Information". Choose House or Senate Journals)
- ♦ HLS Administrative Services (225) 342-6458
(Copies are free of charge only to the member)
- ♦ Bill Room (session only) (225) 342-2192
(There is a fee for constituents/general public.)

HOW DO I VIEW THE
BROADCAST OF
HOUSE/SENATE
PROCEEDINGS?

Live coverage and an archive of past floor debate and committee meetings are available on the La. Legislature Website.

- ♦ La. Legislature Website <http://www.legis.state.la.us>
 - ♦ Live meetings Click “IN PROGRESS”
 - ♦ Archived video:
 - House: <http://house.louisiana.gov/H-Online/archvideo.htm>
- ♦ Louisiana Public Broadcasting (LPB) distributes both the live and delayed broadcast of selected proceedings over cable television networks. See local television listings for stations, time, and coverage.

HOW CAN
INDIVIDUAL COPIES
OF ENROLLED BILLS
OR ACTS BE
OBTAINED?

Enrolled bills (bills which have passed both chambers of the Legislature), are free to members from HLS Administrative Services, but must be requested. They are also available at:

- ♦ La. Legislature Website <http://www.legis.state.la.us>
(Click “Session Information”, followed by the year; then enter a bill # and select “Text - Current”)
- ♦ HLS Administrative Services (225) 342-6458
- ♦ Poynter Library Assistance . . (225) 342-5783 or (225) 342-5128
(Available to members and legislative assistants only)

HOW CAN I OBTAIN A
COMPILATION OF
ACTS?

- ♦ West’s Session Law Service
Copies of West’s printed Session Laws can be obtained upon request from the House Clerk’s Office for members. Constituents may subscribe for a fee by contacting:
West Publishing (225) 328-9352
- ♦ Acts, State of Louisiana
Hardbound official copies of the Acts can be obtained from the Secretary of State’s Office without cost. A member must request this publication after constitutional amendments are voted on.
Secretary of State (225) 342-2083
- ♦ The Baton Rouge Advocate is the official state journal. It prints full-text copies of Acts in batches in Act number order. Legislators may purchase directly from the Advocate.
(Prices vary according to the volume of material published)
- ♦ Newspaper Acts, which are a paper-bound set with subject index (available in the fall), can also be purchased from the Advocate.
The Advocate (225) 383-0200

HOW CAN I OBTAIN
FINAL BILL ACTION
INFORMATION?

- ♦ La. Legislature Website <http://www.legis.state.la.us>
(Click “Session Information”)
- ♦ Poynter Library Assistance . . (225) 342-5783 or (225) 342-5128
(Available to members and legislative assistants only)
- ♦ Legislative Assistant Database
- ♦ PULS Line (Baton Rouge & out-of-state) (225) 342-2456
- ♦ PULS Line (in-state only) (800) 256-3793

HOW CAN I FIND
THE GOVERNOR’S
VETO MESSAGES?

The Clerk’s Office sends copies of veto messages to each member. They are also available on the internet. The Governor’s line item vetoes for HB 1 (general appropriations) and HB 2 (capital outlay) are included in the text copy of the enrolled bill on the internet.

- ♦ La. Legislature Website <http://www.legis.state.la.us>
(Enter bill number under “Bill Search”)
- ♦ Clerk’s Office (225) 342-7259

HOW CAN I FIND
LEGISLATION FROM
PRIOR SESSIONS?

- ♦ La. Legislature Website <http://www.legis.state.la.us>
(Click “Session Information”; select session)
- ♦ Poynter Library Assistance . . (225) 342-5783 or (225) 342-5128
(Available to members and legislative assistants only)
- ♦ State Library, Louisiana Section (225) 342-4914

HOW DO I OBTAIN A
LEGISLATOR’S
PHONE NUMBER AND
ADDRESS?

The internet has information regarding legislative members:

- ♦ House . <http://house.legis.state.la.us/h-reps/memberaddress.asp>
- ♦ Senate <http://senate.legis.state.la.us/Senators/offices.asp>

WHERE DO I FIND
UPDATED DISTRICT
MAPS?

Maps that outline the House and Senate districts can be found on the internet at:

- ♦ House:
.. <http://house.louisiana.gov/hredist/redist-finalhouseplans.htm>
- ♦ Senate:
. <http://senate.legis.state.la.us/reDist2001/Default.asp>

WHERE DO I FIND
ATTORNEY
GENERAL’S
OPINIONS?

- ♦ Attorney General’s opinions can be found at the internet website:
. <http://www.ag.state.la.us/opinions.shtml>
- ♦ Paper copies of individual opinions (225) 342-4597

For research concerning opinions call an HLS staff member or division director, according to subject matter, or the HLS Executive Director.

- ♦ HLS Executive Director (for research) (225) 342-6125

WHAT TOURS OF THE
CAPITOL ARE
AVAILABLE?

- ♦ Visitor Information Desk (225) 342-7317
- ♦ La. Legislature Website <http://www.legis.state.la.us>
(Click on “Tour the Capitol” for a virtual tour)

WHAT DISABILITY
SERVICES ARE
PROVIDED BY THE
LEGISLATURE?

For a complete explanation of disability services, visit:

- ♦ La. Legislature Website <http://www.legis.state.la.us>
(Click on “Disabilities Information”)
- ♦ HLS ADA Coordinator (225) 342-6146
- ♦ TTY Information Line (Baton Rouge) (225) 219-4688
- ♦ TTY Information Line (statewide) (888) 850-6489

Fiscal Information

HOW DO I FIND A
COPY OF THE
GENERAL
APPROPRIATIONS
BILL AND CAPITAL
OUTLAY BILL?

The HLS Fiscal Division website includes links to all key budget documents. The General Appropriations bill will always be HB 1 and the Capital Outlay bill is always HB 2. HLS Administrative Services sends a copy of the general appropriations bill to each member during session.

- ♦ HLS Fiscal Division Website <http://www.house.state.la.us>
(Click on “House Fiscal Division”; then “Budget Documents”)
- ♦ HLS Fiscal Division (225) 342-8568
- ♦ HLS Administrative Services (225) 342-6458

WHAT ARE THE
EXECUTIVE BUDGET
AND THE EXECUTIVE
BUDGET SUPPORTING
DOCUMENT AND
WHERE CAN I FIND
THEM?

The Executive Budget is a summary document presenting the governor’s recommended financial plan for the coming fiscal year. The Executive Budget Supporting Document provides more specific detail and performance recommendations for each program. For more information on the Executive Budget, see *The Legislator as Controller of the Purse Strings* beginning on page F-1.

The Joint Legislative Committee on the Budget receives a copy of the executive budget no later than 45 days prior to each legislative session (30 days in the first year of each term). House members receive a copy the first day of session. For assistance to House members in locating programs in either document, call:

- ♦ HLS Fiscal Division (225) 342-8568

Both documents are available at:

- ♦ La. Office of Planning & Budget Website
..... <http://www.state.la.us/opb/index.htm>
(Click on “Executive Budget”)

WHAT IS A “FISCAL
NOTE” AND WHERE
CAN I FIND ONE FOR
A SPECIFIC BILL?

The fiscal note estimates the fiscal impact of a particular bill. The Legislative Fiscal Office prepares fiscal notes on most bills; however, the Legislative Auditor prepares fiscal notes on certain bills affecting local governments and boards and commissions. See *Fiscal Notes* beginning on page E-9.

For questions on fiscal notes, contact:

- ♦ HLS Fiscal Division (225) 342-8568

Fiscal notes are available for each bill on the:

La. Legislature Website <http://www.legis.state.la.us>
(Click “Session Information” The fiscal note for a bill will be listed as “Notes” when applicable)

State Government Information

WHERE CAN I FIND A
STATE OFFICIAL’S
NAME, ADDRESS, OR
TELEPHONE
NUMBER?

- ♦ Info. Louisiana (official state site) <http://www.state.la.us>
(Click on “Find People”)
- ♦ Roster of Louisiana Officials (225) 342-4973
(Secretary of State sends to each member as it is updated)
- ♦ Boards and Commissions Database, maintained by the Senate:
Senate internet Home Page ... <http://www.senate.legis.state.la.us>
(Click on “Systems & Services”)
- ♦ Legislative Auditor’s Office maintains the Boards, Committees &
Like Entities database:
..... <http://www.la.state.la.us/bdcomm.pdf>

WHERE CAN I FIND A
STATE AGENCY
ADDRESS AND
PHONE NUMBER?

- ♦ Louisiana State Government Telephone Directory:
Available on the internet:
<http://www.state.la.us/otm/listings/telephone.htm>
- ♦ Roster of Louisiana Officials (225) 342-4973

WHERE WILL I FIND
STATE AGENCIES’
ADMINISTRATIVE
RULES AND
REGULATIONS?

The administrative rules and regulations of state agencies are published in the Louisiana Register and the Louisiana Administrative Code by the Office of the State Register.

- ♦ Office of the State Register (225) 342-5015
- ♦ State Register Website <http://www.state.la.us/osr/osr.htm>

WHERE CAN I FIND
INFORMATION ON
LOBBYISTS AND
POLITICAL ACTION
COMMITTEES IN
LOUISIANA?

- ♦ House & Governmental Affairs Comte. Staff .. (225) 342-2403
- ♦ Louisiana Board of Ethics (225) 763-8777
- ♦ Ethics Board Website <http://www.ethics.state.la.us>
Website includes list of registered lobbyists and PACs.

WHERE CAN I FIND
INFORMATION ON
ETHICS AND
CAMPAIGN FINANCE?

- ♦ House & Governmental Affairs Comte. Staff .. (225) 342-2403
- ♦ Louisiana Board of Ethics (225) 763-8777
- ♦ Ethics Board Website <http://www.ethics.state.la.us>
Website includes reports, filing software, report forms, rulings, agendas, laws, and ethics publications.

WHERE CAN I FIND
INFORMATION ON
COLLEGE
SCHOLARSHIPS AND
LOANS?

- ♦ Office of Student Financial Assistance (LA GEAR UP, TOPS and START)
OSFA Website <http://www.osfa.state.la.us>
OSFA Phone (800) 259-5626 or (225) 922-1012
- ♦ Office of Financial Aid, Tulane University
(Tulane Legislative Scholarship)
Tulane Scholarship Website . <http://www.tulane.edu/~finaid/>
Tulane Scholarship Phone .. (800) 335-3210 or (504) 865-5723

INFORMATION RESOURCES FOR CONSTITUENTS

Information Sources to which Constituents May Be Referred

PULS LINE

Public Update Legislative Service (PULS) Line

PULS Line is a telephone service for constituents that provides information on legislation under consideration during session. It provides bill status information, assistance locating committee action, and explains aspects of the legislative process. PULS Line offers assistance with the use of the legislative websites.

Session Hours:

8:30 a.m. - adjournment, if House is meeting.
8:30-5:00, Monday through Friday if not meeting

Interim (not in legislative session) Hours:

9:30-11:00 a.m. and 2:00-4:30
Monday through Friday

Baton Rouge area and outside Louisiana (225) 342-2456
Toll-free within the state (800) 256-3793

TTY Line

Baton Rouge area and outside Louisiana (225) 219-4688
Toll-free within the state (888) 850-6489

INTERNET WEBSITES

The websites of the Louisiana legislature provide access to legislation, committee schedules, House and Senate rules, legislative procedure, and more. See page G-9 of this section for a listing of available information with URLs.

SWITCHBOARDS

The House and Senate switchboards direct callers to legislators and legislative staff.

House (225) 342-6945
Senate (225) 342-2040

FAX LINES

The House and Senate fax lines are available for constituent messages to legislators.

House (225) 342-8336
Senate (225) 342-0617

HLS
ADMINISTRATIVE
SERVICES

House Legislative Services Administrative Services is responsible for all House publications. For more information on their services, see the *Frequently Asked Questions* and *House of Representatives Publications* sections of this chapter.

Bill Room (session only) (225) 342-2192
Docket (after session) (225) 342-6458

SENATE DOCUMENT
AND RECORDS
OFFICE

The Senate counterpart of HLS Administrative Services.

Docket (225) 342-2365

OTHER RESOURCES

State Library of Louisiana

The State Library of Louisiana provides assistance with researching governmental topics and legislation from past sessions. They also maintain a collection of state government documents, including most of the titles listed under the *Publications* section beginning on page G-15. The library's catalog is available on its website.

Website <http://www.state.lib.la.us>
Louisiana Section Reference Desk (225) 342-4914
Reference and Bibliography Section (225) 342-4913
Recorder of Documents (state documents program) . (225) 342-4929

Law Library of Louisiana

Located in the Supreme Court building in New Orleans, the Law Library of Louisiana provides assistance with current Louisiana law and legislation from past sessions. It also maintains a collection of state government documents.

Website http://www.lasc.org/law_lib&legal_res
In-State (800) 820-3038
New Orleans (504) 568-5701

Parish libraries throughout the state

Internet access to the legislative websites is available through all parish libraries throughout the state. A link to a directory of parish libraries is located on the State Library internet home page. The State Library can also provide assistance in locating a local library.

State Library (225) 342-4914
Website <http://www.state.lib.la.us> (Click on “Public Libraries”)
Reference and Bibliography Section (225) 342-4193

State depository libraries

State depository libraries are libraries which receive copies of state publications through the state documents program. They include selected parish and university libraries. Most of the titles listed under the *Publications* section, beginning on page G-15, are held by these libraries. A listing of depository libraries is located on the State Library website.

Internet listing of Libraries <http://www.state.lib.la.us>
(Click on “Government Documents,”
then “Depository Libraries by Location”)
Recorder of Documents Office (225) 342-4929

Louisiana Secretary of State, Publications Division

The Secretary of State is responsible for the publication of the Acts of the Legislature and the Calendars and Journals of the House and Senate. They are available for purchase through their Publications Division.

Secretary of State, Publications Division (225) 342-2083

GLOSSARY

LEGISLATIVE TERMS AND DEFINITIONS	H-1
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ABBREVIATIONS COMMONLY USED	H-15
Legislative Instruments/Documents	H-15
House Committees/Division	H-15
State Department/Agencies	H-15
Laws and Bodies of Law	H-16
Miscellaneous	H-16

GLOSSARY

Legislative Terms: Definitions

This dictionary of legislative terms provides very brief explanations of the listed terms. The cited provisions of the constitution, laws, and rules may be consulted for additional information.

Act	A bill that has been finally passed by the House and Senate, enrolled, signed by the legislative presiding officers, signed by the governor (or allowed to become law without his signature), and assigned an Act number by the secretary of state. Joint resolutions (proposed constitutional amendments) are bills and are processed as such, except they are not signed by the governor or subject to the governor's veto.
Actuarial note	An estimate of the actuarial effect of a bill or resolution that will affect a state, parochial, or municipal retirement system. (<i>R.S. 24:513 (D)(2), (E), and (H) and 521, Joint Rule 4(G), and House Rules 7.16(C), 7.17, and 14.48</i>)
Adjournment	Termination of business for a legislative day until a fixed hour on a succeeding day during a session. (<i>Const. Art. III, §10(C) and House Rules 8.2, 9.6, 9.7, and 9.14A</i>)
Adjournment sine die	Final adjournment at the end of a legislative session (literally adjournment without date.) (<i>House Rules 7.11 and 8.11</i>)
Amendment	<p>The modification of a bill or resolution by adding or deleting language or changing wording. (<i>House Rules 8.12, 8.13, and 11.1 through 11.5</i>)</p> <ul style="list-style-type: none">♦ Committee amendment – Changes in a bill or resolution recommended to the full house by a majority of the committee to which the bill or resolution was referred. Must be adopted by the full house to become a part of a bill or resolution. (<i>House Rules 6.11, 14.7, and 14.43</i>)♦ Floor amendment – Amendments offered by a member of the house having the bill or resolution under consideration, usually offered when a bill is being considered on the floor on third reading and final passage. (<i>House Rules 7.17, 11.1 through 11.5, and 9.13</i>)
Appropriation bill	<p>A bill to authorize payment of funds from the state treasury to a particular department or agency, sometimes specifies a particular purpose. (<i>Const. Art. III, §16 and Art. VII, §10(D), House Rule 6.6(C)</i>)</p> <ul style="list-style-type: none">♦ General Appropriation Bill – Comprehensive bill to fund the ordinary expenses of the executive branch of state government. Appropriations are itemized to show the public entity to which the

appropriation is made and the treasury fund from which it is made. The bill is organized in “schedules” applicable to particular departments and agencies or functions, with “items” within each schedule. (*Const. Art. III, §16, House Rules 6.25, 7.3, and 8.15*)

- ♦ Legislative and judicial appropriations are proposed in separate bills.
- ♦ Capital Outlay Bill – Also an appropriation bill; it authorizes expenditures for the capital construction needs of the state. (*House Rules 6.6(C), 6.8, and 7.3 and Joint Rule 11*)

Author
(coauthors)

The member(s) sponsoring a particular piece of legislation. (*House Rule 7.2 and Joint Rule 12*)

Bill

A legislative instrument proposed by a legislator(s) to change or enact new statutory law or to repeal existing law (Act), or to propose changes or additions to the constitution (joint resolutions). Statutory law includes the Louisiana Revised Statutes, various codes, and local or special Acts. (*Const. Art. III, §15*) (*Also see Duplicate Bill*)

- ♦ Prefiled bill – Original bill that is filed by a legislator with the chief clerical officer of the respective house prior to a legislative session. Such a bill receives a bill number, is printed, and may be assigned to a standing committee prior to a session. On the opening day of the session, it will be formally introduced. (*Const. Art. III, §2, and House Rules 7.2 and 7.6(B)*)
- ♦ Original bill – The bill as introduced into the legislature that is used in the legislative process until engrossed. (*House Rules 7.2 and 7.6*)
- ♦ Engrossed bill – Original bill prepared with amendments adopted upon initial consideration by the house of origin incorporated into its text. Usually, a bill which incorporates all committee amendments to the original bill adopted during the second reading in the originating house. (Rarely a bill is amended on the floor at second reading and the engrossed bill, including these amendments, is referred to committee.) The engrossed bill is ordinarily the version used on the House floor for debate on third reading and final passage. (*House Rules 7.8, 7.9, 7.20, 8.16, 8.17, and 8.20*)
- ♦ Reengrossed bill – Refers to a bill to which additional amendments – usually floor amendments – have been added, after its engrossment. Usually these are floor amendments adopted when the bill is considered on third reading and final passage in the house of origin. (*House Rule 7.10*)
- ♦ Substitute bill – (*See Substitute Bill*)

- ♦ Enrolled bill – A bill in its final form, including all amendments adopted in both houses, to be submitted (Joint Resolutions excepted) to the governor for his approval or veto. (*House Rules 7.12, 7.14, 7.14*)

Bill status The progression and current stage of a legislative instrument from its introduction to passage.

Calendar (1) The daily listing, in order of precedence, of resolutions, bills, and other documents on which action may be taken.

- ♦ Regular calendar – Instruments reported by committees and ordered engrossed and passed to third reading on the same day are listed in numerical order and follow those reported on previous days. Most bills are placed on the regular calendar and considered in the order listed. (*House Rules 8.8, 8.17, 8.20, 8.23 and 8.24*)
- ♦ Major state calendar – This calendar is comprised of bills and joint resolutions that have a *major impact in application throughout the state and establish or change policy in a major area of government activity*. It is a Wednesday calendar, but remaining bills are carried over to the next legislative day. A committee and the Speaker must recommend placement on this calendar. Bills on this calendar lie over for not less than two legislative days prior to consideration on third reading. Removing a bill from this calendar requires filing an objection no later than the day before, concurrence of 20 other members, and concurrence of the House and Governmental Affairs Committee. (*House Rules 8.20, 8.22, 8.23, 8.24, and 8.25*)
- ♦ Local and consent calendar – A locally advertised bill or any instrument reported unanimously by a committee may be placed on the local and consent calendar. Placement on this calendar requires that the committee reporting the bill adopt a separate motion recommending that it be placed on this calendar. This calendar is acted upon every second legislative day (bi-daily). Upon the second reading of an instrument, the author or sponsor may move that the bill be placed on this calendar and, unless objection is voiced by 21 members, it will be placed on the local and consent calendar. If 21 members object to hearing a bill on this calendar when it comes up for consideration on third reading and final passage, the bill is moved to the regular calendar (the daily calendar) for the next day. (*House Rules 8.21 and 8.25*)
- ♦ Subject to call – An instrument may be returned to the calendar subject to call upon approval of a majority of the members present and voting. Instruments so returned are listed in numerical order and may be called from the calendar for further action or consideration at a later time when the House is in that same order of business. However, members must give at least a day's notice

that they intend to call a bill from this calendar. (*House Rule 8.26*)
(*Also see Order of the day*)

- ♦ Involuntary calendar – A Senate procedure when a legislative instrument is returned to calendar, subject to call, upon the order of the majority of members present and voting. After such action, the instrument may be called from the calendar only upon a favorable vote of a majority of members present and voting.

(2) The Legislative Calendar is the final published compilation of the action on each instrument during a legislative session. It lists all instruments in numerical order by house with a chronological notation of all action taken by each house. It includes an author, subject, and journal information index. *Interim Legislative Calendars* are prepared periodically during the interim. (*House Rules 12.1, 12.6, and 12.7*)

(3) The Interim Calendar is a compilation of the action taken on each legislative instrument prior to the convening of the legislative session. (*House Rule 12.7*)

Call

The proclamation by which the governor or the legislature convenes the legislature into extraordinary session. The subject scope of the session is determined in this written document. (*Const. Art. III, §2*)

Caucus

An informal group of legislators, most often organized on the basis of party affiliation, common interest, or regional representation. Also, a meeting of such a group. Some groups refer to themselves as “delegation” rather than caucus.

Commendation

Expression of legislative tribute of either or both houses by certificate or resolution. Also may be an interim commendation by an individual House member. (*Joint Rule 9*)

Committee

A group of legislators of one or both houses which considers legislation, conducts studies, and/or makes recommendations to the Senate and/or House.

- ♦ Committee of the whole – The entire membership of the House, acting in the capacity of committee to consider the General Appropriation Bill or other matters. A member other than the Speaker serves as the chairman. (*House Rules 6.18 through 6.25, 8.18, and 12.1*)
- ♦ Conference committee – A committee, composed of three members from each house, the purpose of which is to propose to the two houses a means to resolve differences in a bill when the house of origin refuses to concur in one or more amendments adopted by the opposite house. (*House Rule 6.14, 7.11, and 8.27*)
- ♦ Interim committee – A special committee created to make a study

or investigation during the interim between sessions of the legislature. (*Joint Rule 13 and House Rule 14.16*)

- ♦ Joint committee – A committee composed of members of both houses. May be composed of standing committee members from each house (or certain members thereof) or may be a special joint committee with members selected without regard to standing committee membership. Used during the interim. (*House Rule 14.16 and Joint Rules Nos. 8 and 13*)
- ♦ Select committee – A committee established by the presiding officer of a house composed of members of that house for a designated purpose. (*House Rules 15.2 and 15.9*)
- ♦ Special committee – A committee of one or both houses appointed for a limited purpose and discharged upon completion of this function.
- ♦ Standing committee – A permanent committee of the Senate or House with subject matter jurisdiction defined by rules of its house. Functions both during and between legislative sessions to conduct public hearings on proposed legislation, review proposed administrative rules, make its own studies of problems, make reports and recommendations to the house it serves, etc. (*House Rules 6.1, 6.2, 6.3, 6.6, 14.16, and 14.17, and Joint Rules Nos. 13 and 16*)

Concur	Action by the house of origin on a legislative instrument to agree to amendments to the instrument adopted by the opposite house.
Condolence	A resolution which tenders condolences upon the death of a legislator, a member's relative, former member, or any other prominent person.
Conference committee report	The recommendations of a conference committee to resolve the differences between the two houses when the house of origin does not concur in amendments adopted in the second house. The report must adopt or reject all second house amendments and may include other changes. A digest of a conference committee report must be prepared by the staff before a vote on the report. (<i>House Rules 6.14, 8.27, and 7.11</i>)
Constitution	The written instrument stating the fundamental principles of a state government. Unlike the federal constitution, a state constitution's provisions are not grants of power, but, instead, are limitations on the otherwise plenary power of the people of a state, exercised through its legislature.
Constitutional amendment	<i>See Joint Resolution under Resolution</i>

Constituent	A citizen residing within a legislator's district.
Convene	The assembling of a legislative body. Usually refers to the initial convening of a legislative session.
Deferred	A legislative instrument scheduled for hearing by a committee may be <i>voluntarily deferred</i> upon the request of the author or member handling the instrument. An instrument voluntarily deferred without objection may be rescheduled for committee hearing. A legislative instrument is <i>involuntarily deferred</i> when so ordered by a vote of a majority of the committee members present and voting, notwithstanding the request of the author or member handling it to report the instrument. An involuntarily deferred instrument may be rescheduled for a committee hearing (after opportunity for hearing all other House instruments requested to be heard) only by the vote of two-thirds of the committee members present and voting. (<i>House Rules 6.9 and 6.10</i>)
Digest	A summary of the substance of a legislative instrument which appears at the end of the text of the instrument. It explains changes in the law proposed by a bill. Redigests also include a summary of amendments adopted. Digests of legislation as finally passed comprise the <i>Résumé</i> which is the publication describing all legislation passed by the legislature in a given session. (<i>House Rules 7.9(B) and 7.11 and Joint Rule No. 6</i>)
Docket	<p>(1) A list of all legislative instruments pending before a committee or the full body of the legislature.</p> <p>(2) A central location for filing of official legislative instruments and publications.</p>
Duplicate bill	A bill filed in one house which has been designated "as being identical or substantially similar to a bill filed in the other house". Conforming amendments may be adopted by the receiving house to make the bill identical to a bill introduced in the receiving house. (<i>House Rules 6.11, 7.19 through 7.21, and 14.12, and Joint Rule 5</i>)
Effective date	<p>Date upon which enacted bills and constitutional amendments take effect.</p> <p>(1) Acts from an annual regular session: Unless the Act itself states an earlier or later date, all Acts become effective on August 15, after the regular legislative session during which they are adopted.</p> <p>(2) Acts from an extraordinary session: Unless the Act itself states an earlier or later date, all Acts become effective on the 60th day after final adjournment of the extraordinary session in which they were enacted.</p>

(3) Constitutional amendments: Unless the amendment provides otherwise, constitutional amendments approved by the voters become effective 20 days after issuance of the governor's proclamation that they have been adopted.

Enacting clause	The language "Be it enacted by the Legislature of Louisiana", which is established by the constitution as the style of law enacted by the legislature. Without it a bill is unconstitutional. (<i>Const. Art. III, §14</i>)
End consideration of amendments	A motion that, when adopted, prevents the House from adopting any other amendments on the instrument pending, except the amendment under consideration at the time, an amendment to change coauthors, or technical amendments. (<i>House Rule 9.13</i>) (<i>Also see Previous Question</i>)
Executive order	A written document issued by the governor to accomplish a purpose over which he has authority, such as establishment of executive branch policies, the declaration of certain holidays, establishment of a study or other commission or committee, or other directive within his power as chief executive. Executive branch agencies may also be created by executive order for a limited period. Termination date varies as specified by law. (<i>R.S. 49:215</i>)
Fiscal note	An estimate of the fiscal effect of a bill, joint resolution, simple or concurrent resolution which will affect the receipt, expenditure, or allocation of state funds or funds of any political subdivision of the state or that will authorize the issuance of general obligation bonds or other general obligations of the state for capital outlay purposes. Must be attached prior to consideration by a committee of either house unless a committee decides otherwise. Not a part of the law proposed by the measure to which it is attached. (<i>House Rules 6.8 and 7.16 and Joint Rule No. 4</i>)
Fiscal year	The 12-month period for which appropriations, budgets, and financial reports are made. The state's fiscal year commences on July 1 and ends the following June 30. (<i>R.S. 39:53</i>)
Floor	Figure of speech meaning the floor of the House or Senate while that body is in session. Referred to in legislative procedure: the bill is "on the floor". Members recognized to speak on debate are said to "have the floor". (<i>House Rule 1.2</i>)
Gallery	Balcony above the House and Senate chambers from which visitors may view proceedings. (<i>House Rule 1.2</i>)
Germaneness	The relevance of amendments or a substitute bill to an original bill. The constitution and rules require that amendments and substitute bills be germane to the original bill. (<i>Const. Art. III, §15(C) and House Rules 11.1 and 6.12(B)</i>)

Interim	The interval between annual regular sessions. Committees can conduct studies and can hear, debate, amend, and determine their reports on prefiled bills at this time. (<i>House Rules 14.16 through 14.20, 14.24, 14.26, 14.27, 14.29, 14.45, and also 4.7, 6.3, 6.11, 7.2, and 12.7 and Joint Rules Nos. 13 and 16</i>)
Joint sessions	Formal meeting of the members of both houses together. Held in the House chamber. (<i>Joint Rule No. 1</i>)
Journal	A record of daily proceedings of each house: the <i>House Journal</i> , <i>Senate Journal</i> . Also refers to the final compilation of journals which is published at the end of each session as a set (which also includes the <i>Legislative Calendar</i>). (<i>Const. Art. III, §10(B), House Rules 2.10 and 12.1 through 12.5, and Joint Rule No. 1</i>)
Keyword	General subject of bill or resolution that appears above the heading (“An Act”, “A Joint Resolution”, etc.) Not part of proposed law.
Legislative bureau	A group composed of two members of the legislature, one selected by each house, and ex officio, the secretary of the Senate, the clerk of the House, and unofficially the executive director of the Legislative Bureau. Bills, joint resolutions, and suspense resolutions are referred to the bureau prior to advancement to third reading in the second house. The bureau makes an advisory report on the construction of the instrument and any duplication and may suggest amendments. The bureau also must examine each instrument upon its engrossment and passage to third reading in the house of origin and make recommendations for floor amendments. (<i>Joint Rule No. 3 and House Rules 7.20, 8.19, and 11.4</i>)
Legislative day	A calendar day on which either house of the legislature is in session. (<i>Const. Art. III, §2(A)(1), House Rule 8.1</i>)
Legislative instrument	One of the following: a bill; a concurrent resolution; a resolution. (Bill includes a joint resolution.) (<i>House Rule 7.1</i>)
Legislative intent	The purpose for which a measure is enacted and the meaning of the measure which the legislature intended, often determined in reviewing committee proceeding tapes or transcripts and floor proceedings.
Lobbyists	Persons paid to represent various interest groups and others to influence the passage or defeat of legislation. (<i>R.S. 24:50 - 58, House Rule 3.4</i>)
Local and special laws	A law affecting only one or more particular local areas, such as one or more particular parishes or municipalities (local law). A law that, because of its restrictions, can operate upon or affect only a portion of citizens or a fraction of property embraced within a classification (special law). (<i>Const. Art. III, §§12 and 13</i>) (<i>Also see Official Journal</i>)

Local notice	Published notice of intention to introduce a bill which will apply only to a designated area of the state, such as a single parish or municipality. Must be published in the locality where the matter to be affected is situated. (<i>Const. Art. III, §13</i>)
Lockout	The temporary disabling of the voting machine of any member who does not answer a quorum call before a record vote (<i>House Rule 4.5</i>) (<i>Also see Quorum Call</i>)
Memorial	A simple or concurrent resolution which expresses views of one or both houses and requests a course of action be taken by officials or departments, usually congress.
Motion to reconsider	A motion which, if successful, returns the question to its status before adoption of the motion to reconsider. (<i>House Rules 8.28, 9.2, 9.11, 9.14, and 11.5</i>)
Official journal	The newspaper of general circulation in which official notices and announcements of the state or units of local government are published. The official journal of the state is <i>The Advocate</i> (Baton Rouge). Notices of intent to introduce retirement bills are published in the official state journal. Notices of intent to introduce local bills are published in the local official journals. (<i>Const. Art. III, §13 and Art. X, §29(C) and R.S. 43:81 et seq. and 141 et seq.</i>)
One-liner	A phrase or sentence that describes a bill or resolution. It appears on the bill or resolution after the keyword and before the heading (“An Act”, “A Joint Resolution”, etc.). It is not part of the proposed law. (<i>Also see Keyword</i>)
Order of the day	<p>(1) The order of business followed in each house of the legislature in transacting its daily business. (<i>House Rules 8.1, 8.2, 8.5, and 8.26</i>)</p> <p>(2) A legislative document prepared daily in each house of the legislature by the office of the House Clerk and Senate Secretary reflecting expected or proposed action on legislative instruments, organized by the order of the day in which action may occur. (<i>Also see Calendar</i>) (<i>House Rule 2.10</i>)</p>
Point of order	The parliamentary device that is used to require a deliberative body to observe its own rules and to follow established parliamentary practice. A member raises a point of order and asks for a ruling of the chair as to the correct procedure. If the member disagrees with the chair’s ruling, he may appeal the ruling of the chair to a vote of the entire house. (<i>House Rules 5.6 and 9.12</i>)

Point of personal privilege	Parliamentary device by which members gain the floor to comment on matters affecting their rights, reputation, or conduct in their representative capacity.
Previous question	A motion that, if successful, closes debate and brings the House to a vote on the question under consideration. A motion in the form of previous question on the entire subject matter, if successful, ends debate on the main question and requires immediate voting on any subsidiary motion or amendments and then on the main question. <i>(House Rules 9.10 and 9.14(A)(13) and (14)) (Also see End consideration of amendments)</i>
Public hearing	Meetings held by committees at which members of the public, lobbyists, legislators, and state agency representatives generally address issues before the legislature. <i>(Const. Art. III, §15(D) and House Rules 6.9, 6.11, and 14.32)</i>
Quorum	The number of members required to conduct business. <i>(Const. III, §10(A), House Rules 4.3, 4.4, 6.3(C)(3), 14.17, and 14.36 through 14.40, and Joint Rule 8)</i>
Quorum call	Opening of the voting machine for a roll call to determine whether or not a quorum is present. <i>(House Rule 4.5)</i>
Reading of a bill	Constitution requires that each bill must be read at least by title on three separate days in each house. <i>(Const. Art. III, §15(D) and House Rules 8.9, 8.10, 8.12, 8.13, and 8.16 through 8.18)</i>
Reapportionment	A redrawing of district boundaries for the election of an official in order to provide equality of representation, based on population. <i>(Const. Art. III, §6)</i>
Recess	An interruption or intermission during the course of the day's work. <i>(House Rules 9.7 and 9.14(A)(23))</i>
Recommittal	The reassignment of legislation to the last committee that considered it or to another committee. House Rules require that certain instruments be recommitted to other committees after being reported by the committee to which initially referred. <i>(House Rule 8.18 and 6.8)</i>
Reconsideration	Permitting a vote to be considered and taken a second time. The initial vote on any question may be reconsidered whether the question carried in the affirmative or negative, but the motion to reconsider must be made by a member who voted on the side that prevailed. (Although provided by rule, this rarely occurs in the Senate.) <i>(House Rules 8.28, 9.11, 9.14(A)(16) and (17), 9.2, and 11.5) (Also see Veto)</i>
Referral	An assignment of legislation to a specific committee for consideration and report to the House. <i>(House Rules 6.5 and 7.2)</i>

Repeal	To delete and nullify a previously established law.
Resolution	<p>A legislative instrument that generally is used for making declarations, stating policies, and making decisions where some other form is not required. A bill includes the constitutionally required enacting clause; a resolution uses the term “resolved”. Not subject to a time limit for introduction nor to governor’s veto. (<i>Const. Art. III, §17 and House Rules 8.11, 13.1, 6.8 , and 7.4</i>)</p> <ul style="list-style-type: none"> ♦ Concurrent Resolution – Resolution to be considered by both houses that can be used to express legislative intent, adopt or change joint rules of the legislature, memorialize congress, and request or direct a state agency to take a specified action. Can also be used to suspend a law. (<i>Joint Rule 3 and House Rules 7.1, 7.4, 7.10, 7.16, and 12.3</i>) (<i>Also see Suspension of law</i>) ♦ Joint Resolution – A proposal to change (amend) or repeal existing provisions of or to add new provisions to the constitution. It is designated a House or a Senate bill and requires passage by a 2/3 majority of each house to be placed on the election ballot. The favorable vote of a majority of all state electors voting on it is required for it to become effective (and a majority of those voting in the local area if it is local in nature.) (<i>Const. Arts. III, §15(A) and XIII, §1 and House Rule 7.1</i>) ♦ Simple Resolution – Resolution passed by only one house that expresses an opinion or intent, but does not have the force of law. It may also be used to change the rules of a house. It takes effect upon adoption. (<i>House Rule 7.1, 7.2, and 7.4</i>)
Résumé	Digest or summary prepared by staff of all legislative instruments finally passed – includes Acts, vetoed bills, and adopted resolutions and study requests. The digest distinguishes how the new law changes the old. Also includes statistical information for the session.
Revised statutes	The Louisiana Revised Statutes of 1950 is the entire codified body of effective general law aside from the Constitution, Civil Code, Code of Civil Procedure, Code of Criminal Procedure, Code of Evidence, and Children’s Code. New law of general application is incorporated into the revised statutes by amending, repealing, or enacting provisions.
Ruling of Chair	<i>See Point of Order</i>
Session	<p>The period during which the legislature assembles and carries on its business. The legislature meets annually in regular session. (<i>Const. Art. III, §§2 and 18</i>)</p> <ul style="list-style-type: none"> ♦ Regular session – In even-numbered years a regular session is

restricted to not more than 60 legislative days within a period of 85 calendar days; in odd-numbered years, it is restricted to not more than 45 legislative days within 60 days. The subject matter of regular sessions in odd-numbered years is limited to specified fiscal matters; however, a member may introduce any bill intended to enact a local or special law or may prefile a maximum of five bills not within the subject matter restrictions.

- ♦ Extraordinary session – Such a session is limited to not more than 30 days. There is no restriction on the number of extraordinary sessions that can be held in one year. The governor may call the session; the presiding officers must call an extraordinary session if a majority of each house petition for an extraordinary session. The call defines the subject scope. Also called a “special session.”
- ♦ Organizational session – Session held on the day legislators take office for the primary purpose of judging the members’ qualifications and elections, taking the oath of office, organizing the two houses, and selecting officers.
- ♦ Veto session – Session required by the constitution to be held on the 40th day following final adjournment of the most recent session to consider all bills vetoed by the governor. Not held if a majority of either house declare it unnecessary in writing.

Special order

The order of business in which bills or resolutions to be considered at a specifically fixed time rather than their regular order are placed. Used for controversial or time-consuming bills. A bill is placed on special order by the favorable vote of a majority of those present and voting, provided the standing committee which reported the bill recommends such placement. (*House Rules 8.4 through 8.6*)

Study request

A legislative instrument which requests a standing committee or committees to conduct a study of an issue or item during the interim between legislative sessions. A study request does not go through the traditional approval process of other legislative instruments, but rather is adopted if, after a specific period of time, there is no objection made to the proposed study request. (*Joint Rule No. 13*)

- ♦ Concurrent – A request for a study by a standing committee of each house of the legislature.
- ♦ Simple – A request for a study by a standing committee of one house of the legislature.

Subject to call
calendar

See Calendar

Substitute bill	A new bill included in a committee report to be substituted for the bill referred to and reported by the committee. Such bills are given a number and processed in the same manner as an original bill except that no further committee report is necessary in the house of introduction. House bills in the Senate may not be reported “by substitute,” nor may Senate bills in the House be so reported. (<i>House Rule 6.12, Joint Rule No. 5</i>)
Summary of Senate Amendments	A digest of the changes proposed by Senate amendments to a House bill returned to the House for concurrence in amendments. Also includes a summary of the substantive Senate amendments.
Suspension of law	The legislature may suspend a law for a restricted period of time by adoption of a Concurrent Resolution, and, as such, the Resolution has the effect of law. It is not subject to the governor’s veto. (<i>Const. Art. III, §20, House Rule 8.11, Joint Rule No. 3</i>)
Suspension of rules	Parliamentary procedure whereby actions can be taken which would otherwise be out of order. Suspension of House Rules requires a 2/3 vote. (<i>House Rule 13.2</i>)
Tabled	A bill is tabled (and usually dead) upon adoption of a motion by majority vote to “lay on the table.” As a parliamentary maneuver, it is an alternate way to kill a bill. It takes a 2/3 vote of those present to call a bill from the table. (<i>House Rules 9.5, 9.8, 9.9, 9.11, and 9.14(A)(11)</i>)
Title	<p>(1) A concise statement appearing at the beginning of a bill which is indicative of the object of the bill as required by the constitution and embraces the significant aspects of the subject content of the bill. (<i>Const. Art. III, §15(A) and House Rule 7.4</i>)</p> <p>(2) The largest subdivision of the Louisiana Revised Statutes. The revised statutes are comprised of Titles 1 through 56.</p>
Veto	<p>Governor’s disapproval of an enrolled bill. Has the effect of killing the bill unless the legislature subsequently votes to override the governor’s action by a 2/3 vote of each house. (<i>Const. Art. III, §18 and Art. IV, §5(G) and House Rule 8.28</i>) (<i>Also see Session, Veto session.</i>)</p> <ul style="list-style-type: none"> ♦ Item veto – Power exercised by the governor to veto specified items (single appropriations) of an appropriation bill, although signing the remainder of the bill into law. (<i>Const. Art. IV, §5(G)</i>)
Vote	<ul style="list-style-type: none"> ♦ Record vote – A formal roll call of a house or committee of the legislature in which each member’s vote (yea or nay or abstention) on a motion is recorded (manually or electronically). Such vote is also recorded in the committee records and minutes and, in the case of floor action, in the <i>Journal</i> of the House or Senate. Certain

votes are required to be record votes. (*Const. Art. III, §§10(B) and 15(G) and House Rules 4.5, 10.9, 12.2, 6.22(B), and 14.43*)

- ♦ Voice vote (*viva voce*) – A vote taken orally or electronically in which the vote of each member is not permanently recorded. Response is given to the clerk calling the roll (or on the voting machine) in the form of yea or nay, with only the overall totals being recorded in the House or Senate *Journal*. All roll call votes in committee are record votes. Election of the Speaker, the Speaker Pro Tempore, and the Clerk is conducted by voice vote. (*House Rule 2.3*)

Vote to reconsider

See Reconsideration

Yield

One legislator relinquishing the floor to another to speak or ask a question during debate. (*House Rule 5.7*)

ABBREVIATIONS COMMONLY USED

Legislative Instruments/Documents

CA	Constitutional Amendment
CCR	Conference Committee Report
HB	House Bill
HCA	House Committee Amendment
HCR	House Concurrent Resolution
HFA	House Floor Amendment
HR	House Resolution
HSR	House Study Request
SB	Senate Bill
SCA	Senate Committee Amendment
SCR	Senate Concurrent Resolution
SCSR ...	Senate Concurrent Study Request
SFA	Senate Floor Amendment
SR	Senate Resolution

House Committees/Division

H&GA	Committee on House & Governmental Affairs
MPCA	Committee on Municipal, Parochial & Cultural Affairs
R&I	Resource & Infrastructure Division

State Departments/Agencies

AG	Attorney General
BESE	Board of Elementary & Secondary Education
CRT	Department of Culture, Recreation & Tourism
DAF	Department of Agriculture & Forestry
D of A	Division of Administration
DCRT	Department of Culture, Recreation & Tourism
DED	Department of Economic Development
DEQ	Department of Environmental Quality
DHH	Department of Health & Hospitals
DOI	Department of Insurance
DOJ	Department of Justice
DOL	Department of Labor
DOTD	Department of Transportation & Development
DPSC	Department of Public Safety & Corrections
DSS	Department of Social Services

State Departments/Agencies (cont.)

EPA Environmental Protection
Agency (U.S.)

FCC Federal Communications
Commission (U.S.)

LCTCS Louisiana Community &
Technical College System

OMV Office of Motor Vehicles

PSC Public Service Commission

ULS University of Louisiana System

Laws and Bodies of Law

ADA Americans with Disabilities Act

APA Administrative Procedure Act

CC Civil Code

CCP Code of Civil Procedure

CcrP Code of Criminal Procedure

CE Code of Evidence

ChC Children's Code

RS Revised Statutes

UCC Uniform Commercial Code

Miscellaneous

AFL-CIO American Federation of
Labor-Council of Industrial Organizations

CABL Council for a Better Louisiana

COLA Cost of Living

Miscellaneous (cont.)

CPI Consumer Price Index

CSG Council of State Government

DA District Attorney

DROP Deferred Retirement
Option Program

EBR East Baton Rouge Parish

ES Extraordinary Session

FITAP Family Independence
Temporary Assistance Program

FY Fiscal Year

HLS House Legislative Services

LABI Louisiana Association of
Business & Industry

LaCHIP Louisiana Children's
Health Insurance Program

LASERS Louisiana State
Employees Retirement System

LFO Legislative Fiscal Office

LIGA Louisiana Insurance
Guaranty Association

LPFA Louisiana Public
Finance Authority

MFP Minimum Foundation Program

NCSL National Conference
of State Legislatures

NOCAA New Orleans Center
for Creative Arts

OSFA Office of Student Financial Aid

Miscellaneous (*cont.*)

PAR Public Affairs Research Council

PSA Public Systems Associates

RS Regular Session
or Revised Statutes

SELF Support Education in
Louisiana First Fund

SREB Southern Regional
Education Board

START Student Tuition Assistance
& Revenue Trust Program

TANF Temporary Assistance
to Needy Families

TIMED Transportation Infrastructure
Model for Economic Development

TOPS Tuition Opportunity
Program for Students

INDEX

A

Abbreviations H-15 to H-17
 Accounting Office A-8
 Acts E-3; E-4; G-21
 Actuarial note E-10; E-11; E-23; F-5
 Adjournment, see Legislative sessions
 Administration, see Division of Administration
 Administrative Services Division (HLS) A-8;
 E-22; E-27
 Advertising (bills) E-3; E-17
 Agency rules, see Rules (agency)
 Allowance, see Emoluments
 Amendments E-4; E-11 to E-13; E-23; E-24
 Appropriation bills (generally) F-1;
 F-7; F-11 to F-16
 (See also General Appropriations Bill)
 Appropriations Committee .. A-7; E-7; E-8; F-2;
 F-3; F-8; F-13; F-14; F-16; F-18
 Audio broadcast, see Broadcasts
 Audits, see Legislative Auditor's Office

B

Bill drafting, see Legislative instruments
 Bill Room E-27
 Bills, see Legislative instruments
 Bonds F-1; F-2; F-7 to F-9;
 F-13; F-18
 Bribery (candidate) C-12
 Broadcasts (Internet/TV) D-5; E-19; G-21
 Budget adjustments (BA-7s) F-3; F-14; F-15
 Budget analyst F-3
 Budgeting procedure (generally) F-1 to F-18
 Building construction, see capital outlay

C

Calendars (regular/major state/etc.) ... E-5; E-6
 Campaign finance B-1; C-7 to C-12
 Candidates, see Campaign finance
 Capital outlay E-3; E-7; F-1; F-2; F-13;
 F-17 to F-18
 Caucuses/Delegations A-9; E-25; G-5
 Clerk of the House A-4; A-9; A-11; E-25
 Closed circuit television, see Broadcasts
 Code of Governmental Ethics A-5; B-1;

C-1 to C-20

Commendations/Condolences E-5
 Committee report E-11 to E-13
 Committee studies D-3; D-7; D-16; E-5
 Committees A-7; A-11; A-12;
 D-1 to D-9; D-15 to D-19; E-7 to E-13;
 E-21 to E-24; F-1 to F-5; F-11 to F-16
 (See also Appropriations Committee;
 Ways & Means Committee)
 Computer Center, see Legislative Computer
 Center
 Computers (district office), see Emoluments
 Conduct, see Code of Governmental Ethics
 Conference attendance, see Emoluments
 Conference Committee E-24
 Conference Committee Report E-5
 Confidentiality D-19; E-11; E-21
 Conflict of interest, see Code of Governmental
 Ethics
 Constitutional provisions A-1; A-3 to A-5;
 E-2; E-9; E-15; E-17; F-1; F-4; F-7; F-11;
 F-17
 Constituent services B-1 to B-5; D-9;
 G-27 to G-29

Construction, see capital outlay
 Continuous body (legislature) A-3
 Contracts C-2 to C-6
 Contributions, see Campaign finance
 Convene (session), see Legislative sessions

D

Debt limits F-2; F-8
 Definitions, see Glossary; Abbreviations
 Digest E-5; E-21 to E-23
 District offices, see Constituent services;
 Emoluments; Information resources
 Divisions (HLS) A-7; A-8; E-21; G-3; G-4
 Division of Administration F-15; F-17
 Docket E-27
 Drafting legislation, see Legislative instruments
 Duplicate bill E-3

E

Elections, see Campaign finance
 Emoluments B-1; C-17 to C-20

Endorsement, see Campaign finance
 Ethics Code, see Code of Governmental Ethics
 Executive budget A-9; F-12; F-13; G-23
 Expenditure limit, see Budgeting procedure
 Extraordinary session, see Legislative sessions

F

FAQs, see Frequently Asked Questions
 Fax numbers, see Information resources
 Feasibility study F-17
 Fees, see Revenue/Taxation
 Financial disclosure C-3; C-4
 Fines, see Revenue/Taxation
 Fiscal Division (HLS) F-3; G-23
 Fiscal note A-9; E-9; E-10; E-23; F-3; F-4
 Fiscal year F-11; F-12
 Floor procedure E-15 to E-17; E-23
 Frequently Asked Questions G-19 to G-25
 Fund raising, see Campaign finance; Lobbyist/
 lobbying
 Funds, see Budgeting procedure
 Furnishings (district office), see Emoluments

G

Gaming (business ethics) C-6
 General Appropriation Bill E-3; F-7; F-11;
 F-13
 General session, see Legislative sessions
 Gifts, see Code of Governmental Ethics
 Glossary H-1 to H-14
 Governor (power/duty) A-3; F-11 to F-16

H

Highways, see capital outlay
 House Clerk, see Clerk of the House
 House Executive Committee A-2; A-11
 House Fax (publication) B-4
 House Legislative Services (HLS) staff . A-1; A-7;
 A-8; D-7; D-10; D-15 to D-19; E-8;
 E-21 to E-24; G-3; G-4
 How a bill becomes law E-29
 How a request becomes bill D-21
 Human Resources Office A-8

I

Information resources G-1 to G-29
 Telephone numbers G-3 to G-7;

G-27 to G-29
 Internet websites G-9 to G-13;
 G-27 to G-29
 Publications G-15 to G-18
 FAQs G-19 to G-25

Instruments, see Legislative instruments
 Interim activity D-1 to D-21
 Interim Emergency Board . . F-2; F-4; F-16; F-18
 Internet broadcast, see Broadcasts
 Internet websites, see Information resources
 Introduction deadline (bills/resolutions) E-2;
 E-17

J

Joint Legislative Committee on the Budget . A-12;
 F-2; F-3; F-4; F-12 to F-15
 Joint Legislative Committee on Capital Outlay . . .
 F-17
 Joint resolution E-3
 Joint rules E-9; E-16
 Journal (publication) A-5; E-5

L

Legislative Actuary F-3; F-5
 Legislative assistants C-6; C-18
 Legislative Audit Advisory Council . . . A-12; F-4;
 F-5
 Legislative Auditor's Office . . . A-10; D-8; D-15;
 D-17; E-9; E-26; F-3 to F-5
 Legislative branch (power/duty) A-1; A-3;
 E-1; F-1; F-7
 Legislative Budgetary Control Council A-2;
 A-11; F-14
 Legislative Calendar (publication) E-5
 Legislative Computer Center E-26
 Legislative Fiscal Office A-1; A-9; A-12;
 D-8; D-15; E-26; F-3
 Legislative instruments D-9 to D-13; D-18;
 E-2 to E-6; E-16; E-17; E-21 to E-24;
 F-3; F-7
 Legislative oversight, see Oversight
 Legislative power, see Legislative branch
 Legislative sessions A-1; A-4; A-5; E-1; E-2;
 F-7; F-15
 Library, see Poynter Legislative Research Library
 Live broadcast, see Broadcasts
 Lobbyist/lobbying B-1; C-13 to C-15
 Local bills E-3; E-17
 Local government assistance B-5; F-4; F-5;

F-17
Louisiana State Law Institute . . . A-1; A-10; E-27

M

Mason's Manual E-16
Medicaid assistance B-3
Meeting schedule (committee) E-7
Membership (legislature/committees) . A-3; A-11;
A-12; E-7; E-8; F-8; F-13; F-14
MFP formula E-7; F-15
Mileage allowance, see Emoluments
Minutes (committee) E-9
Motions (procedure) E-16

O

Office expense, see Emoluments
Officers (legislature/committee) A-4; A-8;
A-9; A-11; E-8; F-8; F-13; F-14
Omnibus Bond Authorization Act F-18
Order of the Day E-6
Organizational session, see Legislative sessions
Oversight A-3; D-4; D-16; D-17

P

Parking (at Capitol) C-20
Parliamentary procedure, see Floor procedure;
Motions
Per diem, see Emoluments
Performance standards F-13
Performance Review Subcommittee F-4
Personal legislative program/package D-9
Phone numbers, see Information resources
Political committee C-7
Powers, see Legislative branch (power/duty)
Poynter Legislative Research Library (HLS) A-8;
B-4; E-27
Prefiled legislation . . . D-5; E-2; E-17; E-22; G-20
Privileges/immunities A-5
Program evaluation D-8; D-17
Property Control & Purchasing A-9
Public Information Office A-8; B-4; E-25
Public retirement systems, see Retirement system/
bills
Publications, see Information resources
PULS Line G-27

Q

Quorum A-5; E-8

R

Reapportionment (House districts) . . . A-4; G-22
Recusal C-4; C-5; E-8
Regular session, see Legislative sessions
Reorganization D-5
Research, see Legislative instruments; House
Legislative Services (HLS) staff;
Information resources; Divisions (HLS);
Poynter Legislative Research Library;
Committees; Committee Studies
Resolutions E-4
Restricted session, see Legislative sessions
Resume' E-5
Retirement system/bills E-3; E-10; E-17;
F-5; F-11
Revenue Estimating Conference F-1; F-8;
F-11; F-12; F-15
Revenue/Taxation F-1 to F-18
Rules (agency) A-3; D-4; D-7; G-24
Rules of Order (House) D-4; E-8 to E-13;
E-16

S

Salary, see Emoluments
Senate E-13; E-23; G-5
Security Cards C-20
Sergeant at Arms Office A-9; E-25
Sessions, see Legislative sessions
Speaker of the House A-4; A-8; A-11
Speaker Pro Tempore A-4; A-9; A-11
Special session, see Legislative sessions
Speeches C-2
Special treasury funds, see Budgeting procedure
Staff, see House Legislative Services (HLS) staff;
Divisions (HLS)
State Bond Commission F-8; F-18
State Capitol tours, see Tours
State employees (lobbying) C-15
State General Fund F-8; F-11; F-15
Statutes E-15
Student financial assistance B-3; B-4; G-25
Study request, see Committee studies
Subcommittees D-7; F-4
Subject matter (legislative sessions) E-2
Substitute bill E-3

Sunset D-5; D-8
Supplemental appropriation bill, see
 Appropriation bills (generally)
Support for legislation D-12

T

TANF/FITAP assistance B-3
Telephone numbers, see Information resources
Telephones (district office), see Emoluments
Television broadcast, see Broadcasts
Term of office A-4
TOPS scholarship, see Student financial assistance
Tours B-4; G-7; G-23
Travel allowance, see Emoluments
Treasury F-1; F-4
Tulane scholarship, see Student financial
 assistance

U

University/college scholarships, see Student
 financial assistance

V

Vacancy, see Term of office
Veto, see Governor
Video broadcasts, see Broadcasts
Voting (committee/chamber) E-8; E-9;
 F-1; F-4; F-7; F-8; F-12; F-16
Voting records G-19

W

Ways & Means Committee A-7; E-7; F-2;
 F-3; F-7; F-8; F-18
Websites, see Broadcasts; Information resources